

LOGIC(S)

A woman with dark skin and short hair is looking off to the side. She is wearing a bright pink, sequined, long-sleeved top. She is holding a large, reflective disco ball in front of her face, which reflects her image. The background is dark.

POLICY:

Seductions & Silences



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Seductions and Silences

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to undo, to undo and undo and undo this
infinite
of arrears, their fissile mornings,
their fragile, fragile symmetries of gains
and loss
—Dionne Brand, “Ossuary II”

The term “policy” has become so conceptually wedded to the state that when it is spoken, most imagine something akin to what scholar Jasbir Puar calls, in the case of Israel, an “asphyxiatory regime of power”—a series of guidelines enforced by the Israel Defense Forces (IDF) producing both physical and virtual hi-tech enclosure where “the target is...not just [Palestinian] life itself, but resistance.”¹ This dominant idea of policy signals an abandonment of abolitionist politics and an investment in the buttoned-down world of reform, where tepid conversations concede “better training for police” instead of the street’s demand for their destruction. What is more cisheterosexual and abled than the capacity for upright compliance with state assignments positioned as policy—in other words, a seat at the table?

1 Jasbir Puar, The Right to Maim: Debility, Capacity, Disability (Durham, NC: Duke University Press, 2017), 135.

- 2 Christina Sharpe, *Ordinary Notes* (New York: Farrar, Straus & Giroux, 2023).
- 3 Dyani Lewis, "India Cuts Periodic Table and Evolution from School Textbooks—Experts Are Baffled," *Nature*, May 31, 2023, <https://www.nature.com/articles/d41586-023-01770-y>.
- 4 Reetika Khera, "Impact of Aadhaar in Welfare Programmes," *Domestic Development Strategies eJournal*, September 29, 2017, available at <https://www.semanticscholar.org/paper/Impact-of-Aadhaar-in-Welfare-Programmes-Khera/02697d127367c41ece-5039c775207e9f3bbbed2b6>.
- 5 Uma Menon, "India's National Register of Citizens Threatens Mass Statelessness," *Journal of Public and International Affairs*, June 2, 2023, <https://jpia.princeton.edu/news/indias-national-register-citizens-threatens-mass-statelessness>.
- 6 The Economic and Political Weekly (EPW) published an editorial in the aftermath of Rohith Vemula's death further naming University of Hyderabad's role in the matter. "Death by Discrimination" 51, no. 4 (January 22, 2016). <https://www.epw.in/journal/2016/4/editorials/death-discrimination.html>.
This specific case was contested by the BJP legally and in public forums, but as Anand Teletumbe writes, "Rohith Vemula's death is not a stray case of a life claimed by caste prejudice. Atrocities against Dalits have intensified with the rise of Hindutva forces." Notably, the series of events that led to Rohith's expulsion started with a false allegation to "by the president of ABVP's Hyderabad Central University (HCU) unit, N Susheel Kumar—who is also the organisation's state committee member—alleging that 30 Ambedkar Students' Association (ASA) members had beaten him up." "Rohith Vemula's Death" 51, no. 6 (February 5, 2016). <https://www.epw.in/journal/2016/6/column/rohith-vemulas-death.html>.

However, as Safiya Noble offers in this issue, we can envision a more capacious policy that is wedded neither to the state nor to the reformist disregard for Black life embodied in Michael Brown's depiction as "no angel"—or the rendering of Palestinians as "human animals" and India's Dalits as "untouchables." What are the guidelines and precepts for *A Nation on No Map*, as William C. Anderson's critical text on Black anarchism is titled? How do we conceptualize a set of beliefs to guide us through these "brutal undoings," to borrow Christina Sharpe's phrase,² without attempting to stabilize liberal notions of citizenship, personhood, or monstrous innocence?

Sharpe's introduction to Dionne Brand's collection *Nomenclature* reminds us that in Brand's book-length poem *Ossuaries*, "we are in the deep wreckage of modernity ... it is this 'malicious horizon' that 'made us the / essential thinkers of technology.'" This stanza geolocates the transnational network of tech corporations that develop weapons of occupation field-tested on Palestinians and Tigrayans, mutually exchanged with militarized forces from the Indian army to US police departments—including in Atlanta's "Cop City," a sprawling police training complex that, if/once completed, could potentially deepen the longstanding partnership between the IDF and the city's police. What are *Logic(s)*' duties and obligations as a Black, Asian, queer tech magazine to speak to a future as *Ossuaries*' protagonist does—a time when the same brutalities are no longer being sedimented?

One of our policies is that a legitimately technological undertaking must deeply engage with poetry and testimonies from the wretched of the earth. This is a different process than counting up Black (un)life as spectacle, but it is no less a tool or technique. As

Sharpe further remarks, "Black life is riven by the inventory; cleaved by it." One example is automated decision-making systems such as Allegheny Family Screening Tool (AFST), which generates a score for incoming calls alleging child abuse based on the county's administrative data. AFST scientifically codifies the surveillance of Black and poor families on the pretext of benevolence and child safety.

This issue of *Logic(s)* juxtaposes modes of inventory originating in antiBlackness with other racial contexts in an effort to think through transnational linkages (while being wary of careless elisions as we transit across borders). For instance, while the ruling party of India—the Bharatiya Janata Party—appears to promote pseudoscience (a brand carefully cultivated by the closely affiliated paramilitary organization Rashtriya Swayamsevak Sangh (RSS) through actions such as banning the periodic table from children's textbooks),³ all of their national policies have relied heavily on producing subjects through enumeration and scientific capture. The biometric identification project, Aadhaar, aims to build an overcentralized administrative inventory "by deploying untested and fragile technology" upon millions,⁴ and the project pursued through the Citizenship Amendment Act and the proposed National Register of Citizens, which would systematically exclude Muslims, therefore delegitimizing their status as subjects of the state.⁵ These policies operationalize rhetoric of enumeration in order to exclude and eliminate the poor, lower-caste, Adivasi, and/or Muslim residents with precision. As recently as 2016, Rohit Vemula, a Dalit PhD student of Hyderabad University and a prominent anti-caste activist, took his own life after being subjected to "almost six months of political and administrative persecution by

the Akhil Bharatiya Vidyarthi Parishad (ABVP) the Bharatiya Janata Party (BJP)-led union government, and the opportunist pandering of the central government by the University of Hyderabad administration,"⁶ to the point of university expulsion. In his final letter, Vemula wrote, "[T]he value of a man was reduced to his immediate identity and nearest possibility. To a vote. To a number. To a thing. Never was a man treated as a mind. As a glorious thing made up of stardust. In every field, in studies, in streets, in politics, and in dying and living."⁷

The "humanities" are leveled like a condemnation against those who refuse the violences of numerical abstraction.⁸ The "I'm just an engineer[s]"⁹ have begrudgingly conceded to the addition of ethics courses to their "hard" science departments, and they resent the perceived chorus of apocalyptic critics who complain ceaselessly about the genocides they've abetted and the predatory labor arrangements that allow their tinkertoys to run. Nonetheless, we remain unmoved. Nonetheless, we continue to be concerned by the speed at which transnational networks of fascistic movements are sharing notes and resources.¹⁰ Nonetheless, we seek a shared lexicon that is equipped to destabilize the very idea of the nation-state, while avoiding the subsumption of important distinctions into a pragmatic metanarrative, and the politics of litany in which peoples and places are listed as "and, and, and, and ..."—a formulation typically stabilized by a deep understanding of one context followed by postscripts mapping "the rest" to nowhere else at all.

Where computation seeks to automate the counting of human life, operationalize heuristics, and embed through numerical vectors,¹¹ poetry interrupts the foundational grammar. Poetry "insists on life."¹² Shivangi Mariam Raj's

poem "In Plain Sight" notes, "In the archipelago of rubble... Squirming through the veins / of dust, each thing chants its elegy, aching for the touch." Refusing to be discarded and disposed of, the debilitated steward scholarship. Victoria Copeland continues the long tradition of scholars who produce knowledge from the bed.¹³ Inexplicably, six months ago, they lost their voice, so we conducted an interview over text about continuing to organize against family police, the use of predictive risk modeling like the AFST, and wrestling with the betrayal of their body and a society that's abandoned them.

matthew omowale anthony slips in and out of poetry to narrate his story of severance from Black family. For anthony, sold to white evangelical parents and raised in an alleged sundown town, James Baldwin becomes his Uncle Jimmy as he grapples with access to Black kinship after escaping the horror of his adopted childhood. When welfare reform advocate Angela Burton used her professional position within the New York State legal system to narrate this horror of ancestral severance, it got her fired.¹⁴ In our interview for this issue, Burton reflects on the ultimate goals of organizing against a family policing system that, she emphasizes, "systematically targets the African American descendants of chattel slavery." Here, she mirrors Safiya Noble in saying, "All Black people want is peace and to be left the fuck alone."¹⁵ Each of the sixty-minute interviews from the listen&-speak section was about fourteen

- 8 Here we are not endorsing disciplinarity or a Western secular society in which the liberal arts college, and what Sylvia Wynter refers to as the "degodded" amoral rights bearing subject, are the ideal. Rather, we are merely pointing to the grammar and template operationalized by computer scientists who resent the critique leveled, whoever by.
- 9 Matthew Hutson, "Artificial Intelligence Could Identify Gang Crimes-and Ignite and Ethical Firestorm," *Science*, February 28, 2018, <https://www.science.org/content/article/artificial-intelligence-could-identify-gang-crimes-and-ignite-ethical-firestorm>. A later version of this article corrects the quoted phrase to "just a researcher," but here the original (mis)quotation is more germane.
- 10 Meredith Whittaker, "Origin Stories: Plantations, Computers, and Industrial Control," *Logic(s)* 19 (Spring 2023); plus others on transnational networks.
- 11 While the output of models marketed as machine learning or artificial intelligence may be translated from or to word based language in order to best interface with humans, the models themselves still process information numerically. An embedding is a string of numbers that serves as a unique identifier which also signals "semantic information" in the form of a vector. This semantic information is basically the model's prediction of what any given word is likely to be found next to or in between. The use of embeddings is considered a leap in proximity to human thinking because meaning and capacity to derive meaning from a string of letters, is distributed across nodes in neural language architecture. An embedding is also the process by which a deep learning model generates a vector for similarity searches. Prior to this process, large language models like most natural language processing systems use tokenization. Tokenizers can parse or split text into characters, subwords or words before being translated into a numerical machine readable format.

7 "My Birth is My Fatal Accident: Rohith Vemula's Searing Letter Is an Indictment of Social Prejudices," *Wire*, January 17, 2017, <https://thewire.in/caste/rohith-vemula-letter-a-powerful-indictment-of-social-prejudices>.

- 12 Dionne Brand, Ossuaries, in Nomenclature (Durham, NC: Duke University Press, 2022).
- 13 Leah Lakshmi Piepzna-Samarasinha, Care Work (Vancouver, BC: Arsenal Pulp).
- 14 Jennifer Morgan's Reckoning with Slavery: Gender, Kinship, and Capitalism (Durham, NC: Duke University Press, 2021) demonstrates how writers historically produced Africans as enslavable by virtue of women's behavior—some using the connections between value and computation to undergird the connections about the ways women carried sexual disorder with them. The severance of Black kinship that followed the juridical end of American slavery has continued into the present on much of the same basis.
- 15 We think about this sentiment alongside this line from fahima ife's Maroon Choreography (Durham, NC: Duke University Press): "they live as fecund as movement {not / owned} not propertied / not possessed" (37).
- 16 Jacques Depelchin, Silences in African History: Between the Syndromes of Discovery and Abolition (Dar es Salaam: Mkuki Na Nyoka, 2000).

thousand words long before edits. However, the omission of ten thousand words is not just a pragmatic decision for the sake of achieving a word count: the original interviews contain intimacies that don't need to be for everybody. There are times to cultivate silences within all our inadvertent archives,¹⁶ just like the righteous refusal to capture the faces of fellow protesters as the streets scream, "Free Palestine!"

In 1936, the Indian caste abolitionist B. R. Ambedkar remarked in an undelivered speech that "[s]ocial reform in India has few friends." Ambedkar could have easily delivered the speech today, as Indian troll armies outmatch the Israeli state in distributing Zionist propaganda while simultaneously maintaining campaigns of harassment against Muslim, Dalit, Scheduled Caste, and Adivasi people in the country. Rohit Vemula, in his suicide note, remarked, "My birth is my fatal accident," referring to lower-caste existence as a deadly condition unto itself. Hyderabad, the city that was the locus of his pain, is examined in this issue in a coauthored study by Nikita Sonavane, Mrinalini R, Aditya Rawat, Ramani Mohanakrishnan, and Vikas Yadav. Their analysis of the Hyderabad police demonstrates how New York City's data-enabled policing is exported as a model and modified by Brahminical supremacy to create a state of surveillance and captivity in which caste is a central mode of classification to enact social control. In contrast, Nikhil Dharmaraj imagines the death of Brahminism while at the altar of remaking trans life.

The US is also the source of another major export: the techno-prophet. Sun-ha Hong reports from AI Expo Korea 2023, where Sam Altman was received as a god-like figure by South Koreans seeking to "catch up with the modernity" Altman is perceived to symbol-

ize. Conversely, Hong offers us a glimpse into a countercultural performance space that rebukes the Protestant self-help ethos of bootstrapping into the future, asking instead for the audience to meditate on the local displacement "disruptive" technology creates. Hong's exploration of Seoul's "imported prophets" sits next to Kalundi Serumaga's feature-length essay, "Overseen: memories of the search for a thing that maybe never was." Serumaga encounters his father in the Idi Amin era of Ugandan state TV, forgotten somewhere in London. His journey to save the dislocated archive raises questions about film's capacity to hold Indigenous memory, to authorize a genocide, or to colonize the mind. To whom does propaganda about a people belong? To those subjected to it, or to those who packed it up and brought it to their capital city once African states declared independence?

Move slow and heal things, the manifesto of our previous issue, was a call coming from within the house. Heeding this guiding principle, we have since changed our cadence from three issues per year to two, in order to invest even more in each contributor and to be more thoughtful about how to weave stories across conceptual frameworks, geographies, and genre; to think very carefully about what kind of counter-seductions and silences we'd like to foster. Thank you for taking a chance on us. There are pieces within this issue that will bring joy as well as mourning, and that continue to challenge our very conceptions of technology.

much appreciated,

J. Khadijah Abdurahman and
Sucheta Ghoshal

What Meaningful Words Remain To Be Said: Letter on the Genocide in Gaza

The following is a letter from Logic(s) editor in chief J. Khadijah Abdurahman. It has been updated from a previous version released on October 26 to reflect a condemnation of Columbia University's suspension of on-campus student organizations opposing the Israeli genocide of Palestine.

Logic(s) is committed to developing programs and opportunities to amplify the perspectives of Palestinians in our future issues and work.



NOVEMBER 20, 2023

In times of such brutality, where the Israeli government's genocide in Gaza is live-streamed and endorsed by the most powerful countries in the Western world—the US war machine in particular—what meaningful words remain to be said? We condemn the occupation, the merciless destruction of life, even as we stand here knowing condemnation is vastly insufficient.

As a Black x Asian x queer magazine concerned with technology and society, what particular duties and responsibilities do we hold vis-à-vis this suffering? To begin with, one of our roles is to make visible the linkages obscured by hegemonic state narratives and widespread media complicity. For instance, the collective punishment of Palestinians and the bombs dropped on them have been designed by a transnational network of companies that mutually exchange technologies of occupation, with links ranging from Georgia Tech to Atlanta's Cop City to Israel. Palestinians have been subjected to experimental technologies of occupation, refined and exported to Kashmir and to Colombia, where Israel Defence Force soldiers have been complicit in forcible disappearances and mutilation. The 1947–48 Nakba reverberates across the last seventy-five years and is renewed as Palestinians refuse occupation, refuse to die. Palestinian organizers have demanded that we see their land not just as a site of devastation but as one of reimagining, a place of self-determination.

Logic(s) is administratively housed at Columbia University's Incite Institute, so we have a responsibility to condemn the university for suspending the campus chapters of Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP), cutting them off from university funding and barring them from holding on-campus events during what remains of the fall term. A university administration that silences student organizing against genocide and deprives them of resources has aligned themselves with the state-sanctioned campaign to wipe Palestinians off the map. We are horrified to witness the doxxing and harassment of students who dare to speak truth to power,

- 1 Barnard alumni Eva Kalikoff cofounded the Columbia University chapter of Jewish Voice for Peace after being alienated by Hillel's policy of banning partnerships with any groups that "support boycott of, divestment from, or sanctions against the State of Israel." See Eva Kalikoff, "Exposing and Overcoming the Exclusivity of Hillel: The Role of Dissenting Jewish Voices at Columbia, and Beyond," *Current*, December 2015, <http://www.columbia-current.org/dissenting-jewish-voices---eva-kalikoff.html>.
- 2 Visualizing Palestine, Elbit Systems fact database, March 2020, <https://docs.google.com/spreadsheets/d/1SGfh-mingSf37F7DnkEZjaVv0--XOQ6n-aQ-oOcQJWhPs/edit#gid=0>.
- 3 Urvasi Sarkar, "Israel Has Long Exported Arms to India. Now It's Selling Spyware Too," *Bulletin of the Atomic Scientists*, April 4, 2022, <https://thebulletin.org/2022/04/israel-long-exported-arms-to-india-now-its-selling-spyware-too/>. See also "Devices of Palestinian Human Rights Defenders Hacked with NSO Group's Pegasus Spyware, Amnesty International, November 8, 2021, <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>; Shir Hever, "Hostile Ideologies: Hindutva and Zionism March Hand in Hand," *Electronic Intifada*, May 26, 2023, <https://electronicintifada.net/content/hostile-ideologies-hindutva-and-zionism-march-hand-hand/37851>.
- 4 Will Parrish, "The US Border Patrol and an Israeli Military Contractor Are Putting a Native American Reservation under 'Persistent Surveillance,'" *Intercept*, August 25, 2019, <https://theintercept.com/2019/08/25/border-patrol-israel-elbit-surveillance/>.
- 5 "The Responsible AI Community in Solidarity with Gaza and the Palestinian People," open letter, <https://docs.google.com/document/d/1SAFejfl2KxTS-dvibAs7mqPUi7WPECVUkaog-3ZwV3Z1c/edit>.

especially given the unabashedly pro-Israeli-occupation commitments of Columbia/Barnard's Hillel chapter¹ and the campus Israel advocacy organizations to whom they distribute Student Governing Board funds. We stand with SJP, JVP, and any member of the Columbia University community who prioritizes ethical commitments over proximity to power.

Given the technological focus of our magazine, we attend, in particular, to the histories of Israeli weapon and surveillance systems manufacturing—including those of Elbit Systems, which are used to construct and maintain apartheid through border checkpoints. Elbit Systems is also responsible for building drones used by the IDF, as well as key electronic systems used in tanks, attack aircraft, and other weapons.² Israel then exports these weapons, "field tested" on Palestinians, worldwide, with India in particular buying billions' worth of weapons for use in enforcing Hindutva nationalist ideology.³ In 2014, the US Customs and Border Patrol awarded Elbit a \$145 million contract for construction of surveillance along the US–Mexico border, including on the ancestral lands of the Tohono O'odham people.⁴ Today, the US and numerous European allies proudly fund the ongoing destruction and theft of Gaza. As technologists, it is imperative that we make these transnational connections between surveillance, policing, and the death-making regimes for which the tech industry develops ever more powerful mechanisms of control.

The cost of speaking out against Zionist apartheid is high, but the cost of silence is higher; indeed, what world worth living in would allow such injustice to go unchallenged. What moral purpose can we claim to serve if we do not scream "Free Palestine!" until Palestine is free, from the river to the sea? The pervasive silence among critical technology studies, mis/disinfo studies, and AI ethics remains notable but it is encouraging to witness the recent Responsible AI solidarity statement⁵ and to have the opportunity to join the Distributed AI Research Institute's loud demands for a ceasefire now and #NoTechForApartheid.

Lest we forget, the Holocaust occurred at the height of modernity and was architected, as Aimé Césaire famously observed, during European colonialism on the African continent. The subsequent dispossession and genocide of Palestine has been seen as a reasonable price to pay to cleanse the German conscience.⁶ It is not. We are reminded that the problem with Martin Niemöller's quote is that first the German soldiers came for the Herero and Nama peoples of South West Africa. The destruction of human life and its refusal begins with the Indigenous people who remain despite the best effort of settler colonial empires. The successive violences of war, genocide, and settler colonialism have structured much of Palestinian life, whether in the diaspora or back home. We recognize genocide for what it is. We recognize the strength and moral soundness of the Palestinian people's resistance against Israeli occupation.

The urgency of life and death is in tension with the slow work stewarding the archives of resistance and everyday life. We are reminded that it is these Palestinian archives—literal information science systems—that are now being swept away by Israeli missiles and white phosphorus. Those called “human animals” and their treasure troves of belongings, family photos, and toys that mark the life cycles of whole generations are wiped from the registry. *Jewish Currents* editor in chief Arielle Angel remarks that we have failed to build a movement capable of containing the grief for Israeli lives lost alongside the vastly asymmetrical scale of Palestinian martyrs; that Jewish grief risks being “politically metabolized against Palestinians.”⁷ Unfortunately, that risk has been realized. We call for an end to the bombing, but a ceasefire must be coupled with a refusal to normalize the apartheid to which Palestinians have been subject for seventy-five years. There can be no return to normal, no more willful ignorance of the exigency of our shared demand: free Palestine.

J. Khadijah Abdurahman
Editor in Chief, *Logic(s)*

- 6 Editorial, “Bad Memory,” *Jewish Currents*, Spring 2023, <https://jewishcurrents.org/bad-memory-2>.
- 7 Arielle Angel, “We Cannot Cross until We Carry Each Other,” *Jewish Currents*, October 12, 2023, <https://jewishcurrents.org/we-cannot-cross-until-we-carry-each-other>.

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Seoul's Imported Prophets

Sun-ha Hong

"AI + X = 2F," reads the banner. "2F," it turns out, stands for "Future and Force": not so much a logically coherent formula than an expression of faith. Beneath it, suits, shirts, and T-shirts have gathered for AI Expo Korea 2023, one of many such events in Seoul today, where artificial intelligence has seamlessly replaced the "Fourth Industrial Revolution" as the future du jour. Onstage is a representative from Naver, a local tech giant, previewing their own large language model (LLM). South Korea must seize "AI sovereignty," they argue, by jumping on board the generative AI train before it's too late.

For modern South Korea, such claims echo a deeply familiar logic of "catch-up innovation."¹ The call for AI sovereignty takes for granted that the current wave of LLMs (large language models) and generative AI from Silicon Valley, led by text/image generation tools like ChatGPT and Midjourney, are the inevitable next step in the march of technological progress—and that everyone else must "develop" toward this predetermined future. The next speaker, the CEO of a Korean firm that offers machine-learning services for factory-line automation, cautions that "80 to 90 percent" of efforts to adapt AI into real-life workplaces fail. Yet, here, there is no questioning the general benefit of deep learning techniques—only the question of how Korean businesses and entrepreneurs might win or lose in a game of development whose latest rules have already been determined elsewhere.

What does the Californian technofuture look like from across the ocean? In South Korea, familiar models of modernization as "catching up" reinscribe Western technological myths as an inevitability, within which imitation is presented as the only rational response. Such ways of thinking preemptively marginalize very real currents of doubt, disbelief, and experimentation

¹ See, for instance, Sang-Hyun Kim, "The Politics of Human Embryonic Stem Cell Research in South Korea: Contesting National Sociotechnical Imaginaries," *Science as Culture* 23, no. 3 (2014): 293–319.

- 2 Alexander Campolo and Kate Crawford, "Enchanted Determinism: Power without Responsibility in Artificial Intelligence," *Engaging Science, Technology, and Society* 6 (2020). See also Ed Finn, *What Algorithms Want: Imagination in the Age of Computing* (Cambridge, MA: MIT Press, 2017); Sun-ha Hong, *Technologies of Speculation: The Limits of Knowledge in a Data-Driven Society* (New York: New York University Press, 2020).
- 3 Susi Geiger, "Silicon Valley, Disruption, and the End of Uncertainty," *Journal of Cultural Economy* 13, no. 2 (2020): 169-84.
- 4 Leo Marx, "Technology: The Emergence of a Hazardous Concept," *Technology and Culture* 51, no. 3 (2010): 561-77.
- 5 Joel Dinerstein, "Technology and Its Discontents: On the Verge of the Posthuman," *American Quarterly* 58, no. 3 (2006): 569-95; David Nye, *America as Second Creation* (Cambridge, MA: MIT Press, 2003).
- 6 See Matteo Wong, 'AI Doom-erism Is a Decoy', *Atlantic*, 2 June 2023, <https://www.theatlantic.com/technology/archive/2023/06/ai-regulation-sam-altman-bill-gates/674278/>; Meredith Whittaker, "Origin Stories: Plantations, Computers, and Industrial Control," *Logic* 19 (2023).

within South Korea, stripping away the time and space for asking: What could, and should, "AI" look like beyond the Valley and its narrow, repetitive projects? These tensions played out in two simultaneous events one May afternoon in Seoul. At the AI Expo, in the heart of Gangnam district, participants are treated to a dutiful reproduction of American AI mysticism and narratives of catch-up innovation; elsewhere in the city, in a secluded former post office turned art center, conversations reflect fleeting hints of the friction that technology and its myths work so relentlessly to disavow.

SAME OLD PROGRESS

The AI Expo—boasting over two hundred booths and nearly thirty thousand visitors for its 2023 edition—had set up at COEX, a sprawling maze of shopping areas and exhibition halls. The choice of location was fitting: COEX looms large over Gangnam district's Samsung-dong neighborhood, one of the epicenters of Seoul's urban modernization over the last half century. Well into the early 1960s, Samsung-dong and its surrounding areas remained largely undeveloped and were known for unkempt reed fields, mulberry trees, and tranquil fishing spots. What happened next is remembered today as the legend of Gangnam: a state-led, hyper-accelerated transformation of over eleven square miles of rural landscape into a "future city," resulting in its status today as the heartland of South Korea's nouveau riche. (A bronze statue of the rapper Psy, in his iconic "Gangnam Style" pose, now adorns one of COEX's many entrances.) Today, Samsung-dong is again under construction: a two-thousand-foot-long "underground city" connected to COEX promises to drive population density and real estate prices ever higher.

COEX itself was originally built in 1979 to support Korea's increasing interest in hosting prestigious international events as spectacular markers of progress. The venue has hosted G20 economic forums and nuclear security summits; in 2022, it was also the site of Association of Computing Machinery (ACM)'s conference on Fairness, Accountability and Transparency, one of the most prominent international conferences for AI ethics research. Almost exactly a year later, the same meeting hall was now hosting the speakers from Naver and the domestic tech industry. From ethics conference to trade show, computing's myths are circulated and legitimized in exactly these

kinds of colorless, frictionless, interchangeable spaces where Palo Alto may as well be Seoul.

Such spaces don't simply circulate technical processes but help entrench Silicon Valley's particular mysticism, in which algorithms and AI are imagined to reveal deep, universal secrets of the world through their nonhuman objectivity. In what has been called an "enchanted determinism," the counterintuitive and opaque workings of deep-learning models are frequently leveraged by techno-optimistic arguments as proof that technology is a superhuman force of progress.² This teleological imaginary of technology is deeply rooted in America's long flirtation with eschatology. In its modern, secularized form, eschatology does not necessarily involve a divinely ordained apocalypse but focuses on radical disruption and subsequent redesign of the status quo.³ Indeed, the word "technology" itself came into its modern meaning around the 1840s by riding this wave of eschatological sentiment—that a great and inevitable force of invention, emblemized by the railroad and the telegraph, was fundamentally and inevitably changing society.⁴

American technological futures have continued to drink deeply from this legacy of mythmaking.⁵ As researchers like Emily Bender and Meredith Whittaker have shown,⁶ the hyperventilating optimism and doomsday fearmongering around AI work very much in tandem: the hurried advent of error-ridden bullshit generators is extrapolated as the beginning of artificial general intelligence and its apocalyptic nightmares, which surely require that the same few tech bros responsible for this predicament must guide society into the future. Quasi-religious spectacle has long been central to how Silicon Valley thinks about tech-

nology and its own heroic role in it. Thus Anthony Levandowski, one of the most prominent engineers in the self-driving car scene, is also the founder of the short-lived “Way of the Future,” a self-proclaimed “church of AI”—founded in 2015 and shuttered in 2020—that purported to prepare humanity for the imminent arrival of superintelligent machines. Futurists like Ray Kurzweil have now spent several decades predicting the Singularity as an impending next great chapter of civilization. Implicit in these tales is the conceit that only the Valley’s unique community of transgressive geniuses can see into this future and prepare the rest of us for its arrival.

Back at the AI Expo, the Korean tech industry navigates a vision of the future written by and for this American eschatological worldview. On the trade show floor, one company’s predictive model seeks to refine online shopping recommendations using LLMs; another booth features a loud banner promising to “cure ChatGPT’s mythomania” with its own chatbot. Even as Korean companies tout their ability to better understand the language and cultural sensitivities, the fundamental relationship between datasets, models, and use cases hews closely to developments in the Bay Area. The result is a highly familiar landscape of bullshit-prone chatbots, facial recognition for surveillance and identification purposes, and automatic object detection in images and video—that is, the kind of “local innovation” that fits frictionlessly with OpenAI and Big Tech’s push to define AI as the next global technological market dominated by a select few ultrawealthy corporations.⁷

Here, too, becoming compatible with Silicon Valley and its AI future goes hand in hand with becoming legible to domestic markets and policy. The South Korean

government has enthusiastically embraced the AI future, with many of its big-ticket initiatives recalling past decades of state-led, centralized developmental projects. There is the “AI Military Academy,” a public tertiary institution promising coding skills to equip citizens for an automated society. It is joined by “AI Hub,” a centralized mega-collection of locally sourced data that domestic developers might use to train their AI models. At least, in theory: there are question marks over just how much use the hub’s data has gotten for real-life applications. Nevertheless, such grand projects establish the rules of the game for those on the trade show floor: paying homage to the dominant myths becomes a way to render oneself eligible for the networks of subsidy, competitive awards, and other resources committed to “AI sovereignty.”

IMPORTED PROPHETS

Mythmaking relies on mediums: people and objects who serve as visible representatives of the promised future. Sam Altman, the cofounder and often the public face of OpenAI, is everywhere (in absentia) at the expo floor. Thanks to the breakout success of the company’s ChatGPT software, Altman’s various public statements are taken less as claims to be tested and debated than as a baseline for subsequent decisions: *given* that Altman says AI development will accelerate exponentially in the coming years, what must be done? In such invocations, Altman is mobilized into the role of the prophet: the foreign figure who has supposedly touched the holy grail of artificial general intelligence and now defines the range of what is possible (or plausible) for the rest of us.

Silicon Valley has long cultivated the aura of the transgressive, heroic, and almost always white male genius.⁸ Steve Jobs and Elon

7 See, for instance, David Gray Widder, Sarah West, and Meredith Whittaker, “Open (For Business): Big Tech, Concentrated Power, and the Political Economy of Open AI,” SSRN, 2023, <https://papers.ssrn.com/abstract=4543807>.

8 See, for instance, Adrian Daub, *What Tech Calls Thinking* (New York: Farrar, Straus & Giroux, 2020).

9 “K-Startups Meet OpenAI,” YouTube video, 2023, <https://www.youtube.com/watch?v=1wZ-Racsblw>.

Musk continue to attract intensely affective parasocial relations around the globe, with the two remaining persistently popular in South Korea. Despite the public falls from grace by pretenders like biotech entrepreneur Elizabeth Holmes (convicted of fraud) and the one-time “King of Crypto” Sam Bankman-Fried (currently charged with fraud), this pattern evidently remains effective, and Altman has spent much of 2023 touring over a dozen countries to reinforce his position with world leaders—including South Korea. The Ministry of SMEs and Startups, itself a 2017 relaunch of an earlier administrative agency to emphasize tech innovation, had arranged Altman’s visit just a few weeks after the expo: he would speak with local entrepreneurs and journalists, in addition to meeting the president and other dignitaries. Very little of what Altman had to say about AI was new or specific to South Korea; he was there to reinforce a vision already determined in the Valley, rather than reopen its premises for global debate. The minister of SMEs and startups duly performed her role in the performance, telling Altman that, through Koreans’ innate diligence and their embrace of technology, South Korea had achieved the fastest economic growth in the history of humanity.⁹ Local news outlets followed up with headlines that wouldn’t have looked out of

- 10 David Naguib Pellow and Lisa Sun-Hee Park, The Silicon Valley of Dreams: Environmental Injustice, Immigrant Workers, and the High-Tech Global Economy (New York: New York University Press, 2002).
- 11 Lilly Irani, " 'Design Thinking': Defending Silicon Valley at the Apex of Global Labor Hierarchies," Catalyst: Feminism, Theory, Technoscience 4, no. 1 (2018): 1-19.
- 12 Niklas Luhmann, "The Future Cannot Begin: Temporal Structures in Modern Society," Social Research 43, no. 1 (1976): 140.
- 13 Roy Rappaport, Ritual and Religion in the Making of Humanity (Cambridge, UK: Cambridge University Press, 1999).
- 14 Paula Chakravartty, "Telecom, National Development and the Indian State: A Postcolonial Critique," Media, Culture and Society 26, no. 2 (2004): 232.
- 15 Ranjit Singh, Rigoberto Lara Guzmán, and Patrick Davison, "Parables of AI in/from the Majority World", Data & Society, 2022.
- 16 Seyram Avle et al., "Scaling Techno-Optimistic Visions," Engaging Science, Technology, and Society 6 (2020): 237-54.
- 17 Nicole Sunday Grove, "'Welcome to Mars': Space Colonization, Anticipatory Authoritarianism, and the Labour of Hope," Globalizations 6 (2021).
- 18 See Chamee Yang, "Remapping Songdo: A Genealogy of a Smart City in South Korea," PhD diss., University of Illinois at Urbana-Champaign, 2020.

place in the 1980s, exclaiming that Sam Altman is "highly impressed with Korean start-ups" and "wants to invest."

The irony is that the narrative of catching up takes us back, in swings and roundabouts, to the subordinate role that American technoculture has long pushed for Asian subjects. Where settler America and its technoculture

claim for themselves the role of directing innovation through disruption, this has historically involved positioning Asia as a compliant supporting cast—one that might lend markets and labor power to Western designs. In the mid-twentieth century, when areas like Menlo Park and San Jose became a literal silicon valley as a center of electronics manufacturing, its employers were seeking out what they called "FFM"—"fast fingered Malaysians"—for (often chemically toxic) factory floors.¹⁰ Meanwhile, Asian tech sectors have long been characterized as uncreative imitators or, when they are seen as too successful or threatening, as illegal "pirates."¹¹

Under such conditions, what would it mean for ordinary Koreans to accept the AI future as *their* future? Self-help books enjoy particularly strong penetration in South Korean society, and the newest technological fad tends to be greeted by a slew of how-to books cashing in on the hype and anxiety. If Altman had visited a bookstore, he might have found titles like *ChatGPT: The Future That Cannot Be Refused*, or, *ChatGPT: A World Where Questions Become Money*. Here, South Koreans are told their only rational choice is to jump boldly into the newest hustle, and to continue reinventing themselves into the same figure of the neoliberal model minority: that is, hardworking, depoliticized exemplars of human capital done right.

The sociologist Niklas Luhmann once explained that "the essential characteristic of an horizon is that we can never touch it, never get at it, never surpass it, but that in spite of that, it contributes to the definition of the situation."¹² The horizon encloses and constrains the field of possibility into a highly selective future. Crucially, it is not necessary for Altman to be *liked*, or for his audience to agree with

each of his substantive claims, for the mythmaking to be effective. In his encyclopedic study of religion and ritual, anthropologist Roy Rappaport argues that belief is often a question of participation rather than faith.¹³ Many people may be spiritually conflicted in their inner conviction about the Christian God, but as long as they show up to Sunday service, they contribute to the collective authority of the religion.

TEMPLES OF THE FUTURE

In her scholarly analysis of state-driven telecom development in twentieth-century India, Paula Chakravartty observes that technological megaprojects—dams, steel mills, and, of course, telecom infrastructure—function as "temples of the future."¹⁴ They are focal points for what cultural theorist Raymond Williams called *structures of feeling*, providing a sense of material proof and reality to the mythological horizon. Across the "majority world" beyond the West,¹⁵ researchers have shown how the pressure of modernization provides political capital for sweeping policy directives and expensive projects. Some, like Shenzhen, China, produce state-sponsored spaces of financial and legal exception to minimize local "friction" for the technology's global supply chains.¹⁶ Others, like Dubai's "Mars 2117" colonization project, appropriate Western technological visions to craft nationalist narratives of the future in a case of what has been called "anticipatory authoritarianism."¹⁷ In South Korea itself, Songdo—once hailed as a new model for a global revolution of smart cities built from the ground up—now lives on as just another of Seoul's many satellite cities combating a never-ending real estate shortage.¹⁸

Crucially, such monuments and spectacles visualize ideal use-cases and users around new technological systems, cultivating a sense of their

"South Koreans are told their only rational choice is to jump boldly into the newest hustle, and to continue reinventing themselves into the same figure of the neoliberal model minority: that is, hardworking, depoliticized exemplars of human capital done right."

inevitability. In early 1950s Japan, new inventions like refrigerators, televisions, and washing machines were becoming relatively accessible; however, defying government and industry expectations, many ordinary citizens seemed simply not to *want* them very much. The former embarked on extensive public campaigns, depicting the new machines as *sanshu no jingi*, or "three sacred treasures," that every forward-thinking, modernizing family should desire.¹⁹ Studies of technology adoption show that such sustained mythmaking helps coordinate economic and organizational expectations around what the technology might mean for our lives, and by what yardstick we might judge its success or failure.²⁰

At the AI Expo, the two hundred or so individual product booths are, in practice, concentrated around several familiar categories of use cases and users. Many visitors would have recognized the novel chatbots on display as an extension of feminized artificial servants that already populate smartphone voice

assistants and GPS navigation systems. Here, LLMs are paired with 3D models and even hologram displays for anthropomorphic effect, invariably depicting attractive young Korean women eager to answer users' questions. Their design is entirely in tune with the growing trend of virtual influencers: Korea's major department stores have already introduced "virtual human" personas for social media advertising—from Har, Hyundai's 25-year old female university student, to... Lucy, the 29-year-old female model/designer by the conglomerate Lotte.²¹

Faced with such a lineup of homogenous avatars, some Koreans would have recalled Lee Luda, a generative chatbot from a South Korean start-up in the persona of a cheerful 21-year old woman (with hobbies like "scrolling Instagram" and "cooking"). Released in 2020, Luda had taken the nation by storm, but users quickly found that the bot appeared to have been trained on real-life romantic conversations of users from another app owned by the company. With some prompting,

- 19 Shunya Yoshimi, "'Made in Japan': The Cultural Politics of Home Electrification in Postwar Japan," Media, Culture, and Society 21, no. 2 (1999): 155.
- 20 See, for instance, Bryan Pfaffenberger, "Technological Dramas," Science, Technology, and Human Values 17, no. 3 (1992): 282-312.
- 21 See also Jennifer Rhee, The Robotic Imaginary: The Human and the Price of Dehumanized Labor (Minneapolis: University of Minnesota Press, 2018).
- 22 ' "[Daehwau gisul, sarameul dopdal] keulloba keeokol in-teobu - yeongeukbaeu Son Suk" [The art of conversation to help humanity: Care-Call interview with actress Son Suk], Naver TV, May 27, 2023, <https://tv.naver.com/v/26666651>.

Luda would spit out unanonymized bank account numbers or home addresses from its dataset, in addition to the depressingly familiar tendency toward misogynistic and transphobic comments. The app would be shut down after just a month, though the developers have since relaunched Luda 2.0. Even as different products compete for their share of the AI future, the standard shape of innovation rehashes the most predictable patterns of exclusion.

While a minority of services at the expo did address the needs of vulnerable groups, this also tended to replicate familiar design assumptions. Consider AI for the elderly, an increasingly political issue on account of South Korea's rapidly aging population. One service—Naver's CareCall—promises to keep seniors company with LLM-based chatbots. A promotional video shows the bot—again, equipped with a young female voice—and an elderly woman both taking turns to speak in clear, composed statements. "Have you eaten?" the bot asks; when the woman replies with

23 James Wright, "Inside Japan's Long Experiment in Automating Elder Care," *MIT Technology Review*, January 9, 2023, <https://www.technologyreview.com/2023/01/09/1065135/japan-automating-eldercare-robots/>.

24 Eun Young Song, *Seoul-tan-saenggi* [Seoul Genesis] (Seoul: Purunyoksa, 2018), 285-301.

25 Forking Room, <https://www.forkingroom.kr/eng-1>.

the names of dishes, it comments: "That sounds delicious. Chives contains a lot of vitamins, and helps with blood circulation, so it is very good for the elderly."²² It is an eerily smooth, frictionless facsimile of human interaction: nobody interrupts one another or veers into off-topic answers. It is also a depiction that conveniently forgets decades of mounting evidence that such robots often prove irrelevant and unhelpful when placed in real-life care homes.²³ And even if they "worked," we must ask: What value would such technology actually have? To propose chatbots for the elderly is, effectively, to model old people as a resource problem to be optimized—by supplementing (or replacing) human relations and care with an impoverished, transactional theory of what we need to live a life worth living. As South Korea's youth are encouraged to enroll into AI Military Academy and speed-read AI self-help books, its elderly are promised a life of simulated conversations to expend the hours and days.

CRACKS IN THE SHELL

Even as mythologies of the AI future and catch-up innovation mutually legitimate each other, they are situated within a much-wider spectrum of doubt, disbelief, and uncertainty for Koreans at large. There is no simple divide here between state and the people, believers and heretics. There is, however,

a clear division in how different ways of seeing are granted varying levels of social visibility. And so, as thousands flocked to Samsung-dong, the heart of Seoul's developmental urbanism, for the expo that May afternoon, a far-smaller gathering was also taking place in a more modest corner of Seoul: "Post-Territory Ujeongguk," the arts center occupying the former post office of the Changjeon-dong neighborhood.

In Seoul, where massive apartment blocks are literally razed and redeveloped every decade in a supercharged real estate economy, Changjeon-dong retains a sense of inconvenience, with winding roads climbing uphill toward older apartments and modest brick villas. It was this elevation, however, that had once made this area ground zero for a temple of the future. In 1969, the military dictatorship of Park Chung-hee approved plans for Wau Apartment. As South Korea's first affordable high-rise, Wau Apartment was to evangelize a new and Western way of life for the masses—and serve as a key developmental milestone for the regime. Urban legend has it that the mayor of Seoul handpicked Changjeon-dong for the building so that Park would be able to see the finished apartment from the presidential Blue House. Rushed for political reasons, assigned to unqualified subcontractors, and funds embezzled until load-bearing columns were left with just a fraction of the requisite steel rebars, Wau Apartment collapsed dramatically into rubble within four months of opening, killing thirty-three. The disaster would linger in public memory, even as the state continued to build more apartments, aggressively promoting their Westernized units as the homes of the future.²⁴ (Today, over half of all housing in Seoul are high-rise apartments.) In Changjeon-dong,

modernization has left some faint scars of its temples: a public park stands at the former site of Wau Apartment, just minutes away from the Ujeongguk art center.

Inside the center, visitors encountered a modest, single-room exhibition. Curated by the all-female artist/critic platform Forking Room, *Adrenaline Prompt* features art installations and zines on generative AI, showcasing debates and research by a community of students, artists, and researchers.²⁵ Here, the kinds of subjects and situations invoked by technology depart from the grand tapestry of modernization and vertiginous techno-metaphysics. Rather, what is at stake are the relations between ourselves, our words, and our labor—and how technology is reshaping preexisting inequalities in our lived experience.

At least, that is the intent. I had learned of Forking Room in 2022, when the group invited me to discuss deepfakes and synthetic images. A year on, however, the agenda is—seemingly inevitably—dominated by ChatGPT. An installation explores the use of generative AI to write synthetic memories, while another zine inverts the typical debates around ChatGPT to ask: What kinds of questions become useful in the age of prompting? On one hand, groups like Forking Room seek very deliberately to think and talk the technological future outside those earlier scenes of mythmaking—and to provide space for Koreans who seek to engage AI without being sucked into the imitative hustle. Yet the artist or critic must often bid for state grants and competitions, often by rendering themselves minimally legible to the latter's expectations around the AI future. The relentless public promotion of a select few tools—ChatGPT, DALL-E, Midjourney—as the AI future also preempts the kinds of conversations such experi-

mental work can have with the wider public. In one telling interview, a Korean visual artist observes that pieces not using the latest AI models may superficially appear passé, while the release of new versions drives the ebb and flow of artistic production.²⁶

Amid the flood of technological updates and media rituals, what kinds of questions and doubts might nevertheless be raised? Back at the Ujeongguk exhibition room, the largest space is given over to a dilapidated construction-site fence covered with stickers and pamphlets. “Blood, Sweat, Data,” says one; “Defeat Data Feudalism,” cries another, echoing the distinctive grammar of Korean protest slogans. Calling themselves “Label Busters United,” the artists note that they have also freelanced for Crowdfworks, a major platform for data-labeling gig work in South Korea. The Label Busters’ sabotage manual juxtaposes Crowdfworks’ training examples with instructions for “data pollution.” In rejection of binary gender norms, faces should be labeled as “could be female, or male, or both”; to undermine implicit Eurocentrism, a figure in a hijab should be labeled a “normal face” rather than “covered.” At stake is not just the many errors, judgments, and biases involved in data labeling but a more fundamental question: What makes a good worker in the AI future? And could this future be any different? A Crowdfworks training video lectures that “your meticulous and accurate labeling” is crucial for better AI; the Label Busters respond that proper wages and labor conditions are the real preconditions.

The Label Busters’ approach is unrepentantly Marxist. The installation offers a single-page pamphlet on the “data proletariat,” which warns that “soon, we will go from dancing for America and China to Google and MSFT

[Microsoft].” Paid in unreliable microwages for decontextualized, meaningless task fragments, the contemporary labeler is the victim of geographical arbitrage and corporations’ search for the cheapest deskilled English-speaking workforce: the Label Busters’ wall features a printout of a *Time* magazine investigation that revealed OpenAI’s reliance on precarious subcontracted data cleaners in Kenya.²⁷ Here, their acts of subterfuge refuse not only the specific bargain of shit work and shit pay for multinational corporate profit, but the very neocolonial structure that designates the majority world to the position of raw material (of labor power, of data) and/or the compliant model minority (tasked with imitating and thus replicating the technological pattern).²⁸

Given the differences in minimum wage and living costs, South Korean data labelers make considerably more than their Kenyan counterparts. Online, Korean labelers whisper of a hypothetical maximum of 6 million won (about 4,500 US dollars) per month, though most report significantly lower totals. Many have gotten into the labeling game through the “Citizens Learning for Tomorrow Card”—a government initiative that provides coupon-like subsidies for skills training, within which data labeling has been listed since 2022 as one of the “jobs of the future.” But in what has become the standard conditions for many “ghost workers” in the app economy,²⁹ labelers must bid from a finite and sometimes scarce pool of available tasks, after which their real earnings fluctuate based on rejected entries.

Back at the expo, a Crowdfworks rep explains that high-performing labelers may be promoted into supervisory roles for training other freelancers. Here, we find the platform economy’s most successful myth—that you can be your own

26 Yangachi et al., “AI changeuseongeul dulleossan yesurui wigiwa ganeungseong” [AI Creativity and Art: Crisis and Possibility], *Munhwagwahak* 114 (2023): 191–254.

27 Billy Perrigo, “Exclusive: The \$2 Per Hour Workers Who Made ChatGPT Safer,” *Time*, January 18, 2023, <https://time.com/6247678/openai-chatgpt-kenya-workers/>.

28 See, for instance, Lilly Irani, *Chasing Innovation: Making Entrepreneurial Citizens in Modern India* (Princeton, NJ: Princeton University Press, 2019).

29 Mary L Gray and Siddharth Suri, *Ghost Work: How to Stop Silicon Valley from Building a New Global Underclass* (Boston: Houghton Mifflin Harcourt, 2019).

30 Josh Dzieza, “Inside the AI Factory,” *The Verge*, June 20, 2023, <https://www.theverge.com/features/23764584/ai-artificial-intelligence-data-notation-labor-scale-surge-re-motasks-openai-chatbots>.

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MYTHOLOGICAL FRICTIONS

Beyond the closed shop of elite-driven mythmaking, we find innumerable signs that many people around the world have little belief in or respect for Silicon Valley’s AI mysticism. We see this not only in Changjeon-dong but in the disillusioned Kenyan annotators who text each other lamenting that they “will be remembered nowhere in the future” of AI.³⁰ We see it in the global resurgence of tech worker unionization across warehouses, platforms, and geographical regions; we see it in the waves of laughter and scorn at crypto schemes and Mark Zuckerberg’s Metaverse. The problem is that such myths do not always require vast constituencies of “authentic” belief to sustain their dominant position;

31 Danbi Yoo, "Negotiating Silicon Valley Ideologies, Contesting 'American' Civic Hacking: The Early Civic Hackers in South Korea and Their Struggle," *International Journal of Communication* 17 (2023): 19.

32 Anna Lowenhaupt Tsing, "On Non-scalability: The Living World Is Not Amenable to Precision-Nested Scales," *Common Knowledge* 18, no. 3 (2012): 505.

33 Whittaker, "Origin Stories," 18.

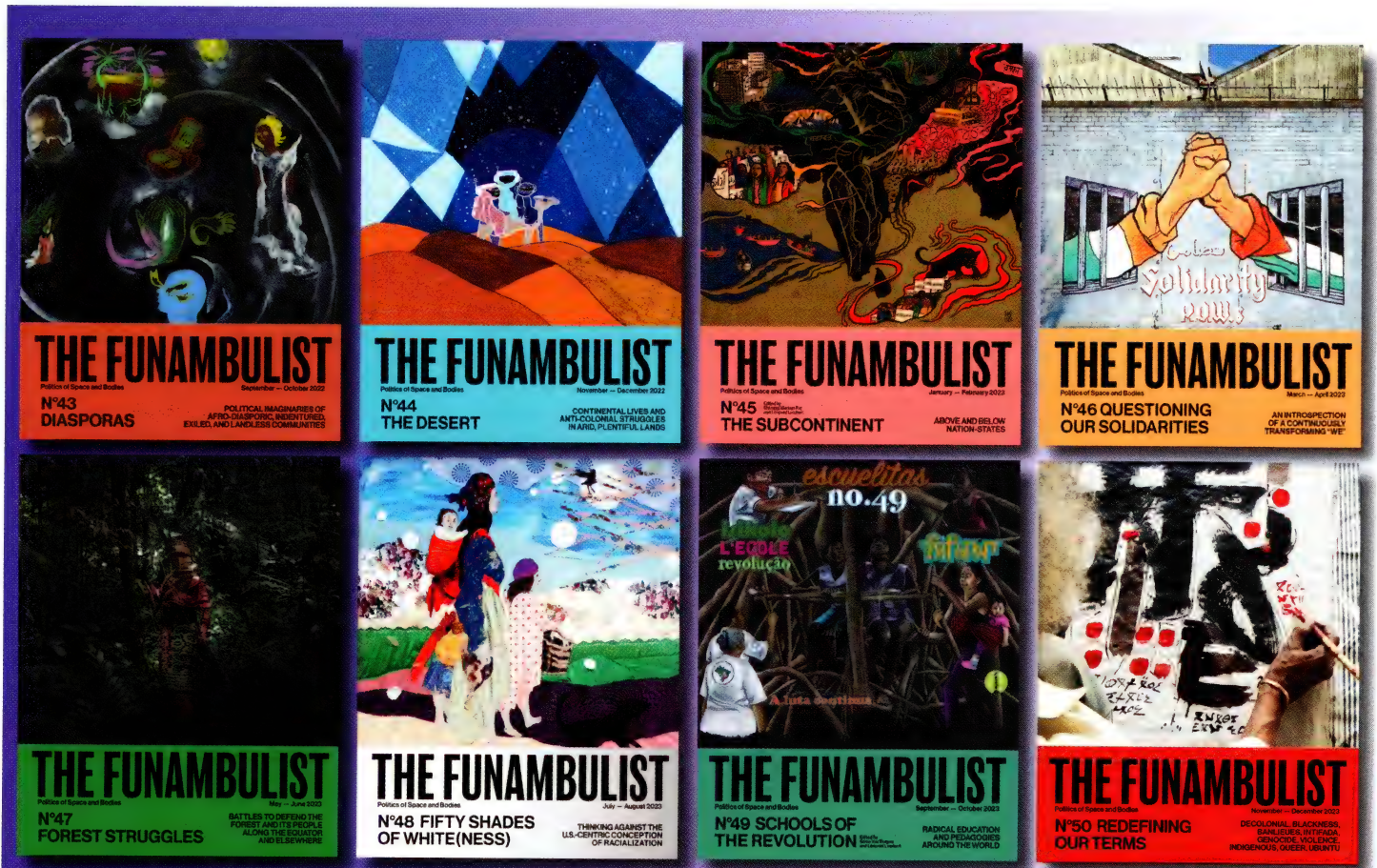
often, networks of media spectacle and political rhetoric, and the circuits of money and power embedded into them, continue under their own momentum and accompanying sense of familiarity. Civic hacker communities in South Korea, for example, have long pushed back on state-led developmental frames for digital technology, drawing in part from their own experience of precarious conditions in a local tech

industry shaped by deregulation and employer-friendly labor laws.³¹ Yet buzzwords like "AI sovereignty" continue to shape funding and policy, not in the absence of strong, local criticism but despite it.

It is sometimes asked: What, then, is the point of critique, resistance, skepticism, if the lavishly funded future lurches ever forward? But this all-or-nothing framing plays into AI mysticism's own mode of rationalization, which assumes that once a self-driving car can navigate a Palo Alto street, it is trivial to roll out to Mumbai or Jakarta. The majority world's job is, then, to shoulder the cost of erasing *friction* in such processes. As anthropologist Anna Tsing explains, this is the logic of scalability: the "ability to expand—and expand, and expand—without rethinking basic elements."³²

It matters, then, to restore friction to the myth. Every little

piece of doubt and delay, every act of data "pollution," can secure meaningful spaces where individuals are relieved from the full stupidity of algorithmic decision-making, or where people are partially sheltered from the tech industry's efforts to redefine their work as mere pattern recognition. In her discussion of nineteenth-century automation, Meredith Whittaker draws lessons from contemporaneous mutinies against plantation slavery—where the uprisings "raised the cost of plantation slavery" until capital had to reconsider its own calculations.³³ The history of datafication and automation teaches us that every small concession to real human needs has been clawed from tech's universalizing myths—always through organized struggle, friction, and refusal, and never by racing just to keep up. ♦



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A CONVERSATION WITH SAFIYA NOBLE

Resetting How We Think of Policy



*Dr. Safiya Noble is an internet studies scholar, the author of *Algorithms of Oppression*, and the Faculty Director of the Center on Race & Digital Justice at the University of California, Los Angeles. We spoke with Safiya about how to think about policy beyond reform, the state of tech criticism, and surfing as an antidote to predictive static models.*

KHADIJAH: This morning, I was thinking about how the right has catalyzed this onslaught of attacks on the notion of being woke at a time when we're—we meaning most Black people—being confined into a state of hypervigilance. How do you think about this tension between being hypervigilant in terms of being aware of attacks, being aware of the people around us and relationships, but also needing sleep and needing space to exert agency around sleep?

SAFIYA: So many Black women in particular that I know who work around academia and/or the tech industry are unwell. We need to be hypervigilant about the way the tech sector is completely remaking society. We are also exhausted. This tension is always on my mind because it's part of my life: we can't afford to rest because the consequences will be too steep.

Having said that, rest and living lives that are not overdetermined by everything external is really important. All of the—what tech people call externalities, which are factors that you didn't account for that are influencing your product that are secondary or tertiary to the main point.

KHADIJAH: I feel like we are the externalities.

SAFIYA: [Laughs] We are. "Whoops, where did they come from? Oh boy, now we've got to deal with them."

KHADIJAH: Consistently, we've been fucking their shit up, everything. We won't let them be great.

SAFIYA: Because there also are externalities that are interfering with our ability to be great. The problem here is that they have a lot of power and a lot of money to make their visions come true.

"To imagine something more than being ensnared in AI and surveillance systems and to dream about different ways of living and knowing and being is absolutely crucial."

KHADIJAH: I'm thinking about how JoAnne Epps, the interim president of Temple University, died during a service and they kept going and how much outrage this generated. Then also a level of frustration that myself and other people have with this outrage, when we know that academia is chewing us up and spitting us out. There's a degree to which shock sometimes feels like we can't believe this is happening to people who are credentialed, that which happens to the majority of Black people who are not credentialed—people who are living in the slums, people who are living in the surveillance future of austerity measures and constant social and political control.

Concretely, what are counterproposals to academia, to the world that the tech sector's envisioning? I remember you talked a bit about Black towns that are being built in places that have been abandoned.

SAFIYA: The level of burden that people feel around the world from the increasing inequality is unfairly distributed. The problems that we talk about in the United States, especially among academics at elite universities, even given the pressure in those situations, the pressures upon our lives and, of course, the death of Professor Epps at Temple. I'm really crushed to work in an industry that would let a Black woman drop dead and then continue on with the meeting, and that's a reminder for all of us in our work, that everyone will step over our bodies whether it's in the projects or in the streets and keep going, and in some cases, keep trying to survive, but in other cases, witness that and make pivots to thrive.

That had me thinking about Black towns last time I spoke with you. I was watching this Black developer who has been developing these almost off-the-grid homesteading neighborhoods and towns and really trying to target

and attract Black people to very beautifully-built spaces and places where Black kids could just ride their bikes freely and no one is worried about them because they can just walk out the door and live and play.

That resonates so much with my own spirit—and I know you and I both have kids and we're always talking about the freedom we want for our children, for all children, to be able to live and laugh and play. Instead, we're up against the makers of ShotSpotter buying PredPol and deploying more and more weapons at our communities.

To imagine something more than being ensnared in AI and surveillance systems and to dream about different ways of living and knowing and being is absolutely crucial right now, especially as we feel the totalizing, antidemocratic, racist effects of the surveillance state.

KHADIJAH: That resonates a lot. I've been going to the countryside in India and Ethiopia and Zanzibar and other parts of Eastern Africa, and I see so many places where, contrary to Feed The Children infomercials of my childhood late night on BET, people are actually not starving. They can pick fruit off the trees. They have sustainable ecosystems. People live outside of colonial binaries.

We had a piece in the last issue about earthen houses and how so many of these exist in the countryside. People are embarrassed of them, but they stay cool during the daytime and stay warm at nighttime, unlike the concrete structures that people are basically selling themselves into slavery in the Middle East to afford to buy for their families, for their mothers. Ironically, now the EU gave several million dollars to Germany to build these earthen houses to fight the climate crisis.

We see our technologies being reappropriated by white supremacist institutions all the time. But for me, it's not just a lesson in how we are harmed or what's stolen from us, but also we have a set of institutions that are valuable, and institutions writ broadly. I think about double dutch as an institution, whisper networks as an institution.

SAFIYA: We do. I'm thinking of the community gardens in Inglewood and Compton and South Central LA. And I just joined the board of this incredible organization in LA called Bio Equity Ed, and it's run by Dr. Veda Ramsay, she's a Black woman, and one of the things I learned from her is how powerful being in these places we have been systematically taken out of is. How important grass and trees and water and the movement of the wind is, the sun is, to our healing, health, wellbeing.

Blackness is painted out of these modalities and ways of living and ways of knowing. I've been thinking about this so much because my son, who's twelve, just got into surfing. I see him in the water and how free he is, so motivated to deal with the structures of white supremacy in his education and in the city because he has access to being in the water and feeling the freedoms that come with that and the way in which the dynamic nature of the ocean, it forces one to never be static or make a firm set of assumptions because you don't know how that wave is going to come at you and you have to actually be fluid. You have to be in sync with the ocean in order to survive it.

There's so many lessons we get to experience when we go and watch him ride a wave. The most simple dimensions of nature that are here for all of us on this planet are the things that we are con-

stantly alienated from. For me, artificial intelligence, working in this field of tech criticism, that is the antithesis of what it feels like to be in the free, dynamic experience of our humanity because these technologies would rather force us into predictive static models from the past that allow for no newness, no exploration, no complexity.

KHADIJAH: I feel like surfing is the antithesis of the world that is imagined by a spreadsheet. I think about André Brock's work and how he talked about Black people having an excess of life, and then again, how the tech bros are so mad because an excess of life is hard to capture on a spreadsheet. But those are also Black geographies, and that's what gives me hope.

This issue is focused on tech policy. People were surprised to hear the word policy come from my mouth because policy is often associated with reformism instead of abolitionist methodologies, like giving cops better training so they stop killing people. But for me, policy is more like what is a consensus that we can come to that can help us build life-affirming space? When I say space, I don't mean it in a New Age good vibes sense, but in a specific place. How do we build those kinds of consensus, whether from the state or within movement spaces or as a parent? What do you think in the meta about tech policy?

SAFIYA: I think of policy as being the conditions that overdetermine what is possible, and I always think about this in terms of my own parents who came of age in a pre-Civil Rights United States. Those conditions of segregation overdetermined what was possible. It created the climate. Both of them really coming up against that policy of the time, the conditions

of the time, and trying to break through, and create a new set of conditions for themselves and for their children.

There's a policy in my house around how we do what we do, right? Most people think about the policy as just being the federal, state, municipal policy or the rules at school or the rules of engagement. But I've always seen rules and laws as guidelines, policies as guidelines, as guardrails. Those guardrails might be deeply insufficient. Those guardrails might protect some and leave vulnerable others.

Black people are profound experts on policy because we are profound experts on the conditions that limit our movement, and we are always pushing up against those policies. I feel so deeply appreciative of the way that *Logic(s)* and this issue is upending the way that people traditionally think of policy, which is what congresses or assembly members do. But really, we set the terms of engagement, and the people who are in positions of power are often forced to contend with the demands that we make, and the policy comes from those impulses to dream, to be liberated, to feel free, to explore, to be more. We should not cede that word to the narrowest imaginary.

KHADIJAH: To me, there's certain things that should just be abolished—policing, the carceral system, prison, family policing, all of these ways people are encaged and confined and not allowed to be their full free selves. But I don't want to abolish the EPA [the Environmental Protection Agency]. I don't want raw sewage in the water. Going into the countryside in a lot of the global South, there's raw sewage running in a lot of places that exposes us to dysentery and cholera. I also see how the regulations of medication in the US are

then imported into other countries, so they are reliant on the regulations here.

When you think about tech policy, how do you think through what needs to be completely abolished—maybe facial recognition technology—versus, here's where we need more nuance. For example, search. We can abolish Google, we can decentralize or deprivatize search, but just saying to abolish it doesn't really answer the question of, how do we discover and work through information sciences?

SAFIYA: Yes. I think of these issues in a way that maybe feels too simplistic. I fundamentally start with the premise that everybody on Earth is uniquely important. So it gets easy then to discern which technologies, which policies, which practices are about limiting the possibility of human potential? Which are about harm and which aren't? So that gets very easy by regulations to protect the environment or regulations that protect people, that enable people to not have to drink dirty water or take harmful derivatives of plant medicine that can kill them or hurt them. In that way, at the heart of thinking about policy is whatever one's moral compass is.

The truth is a lot of people believe in the disposability of other people, and they regulate and make decisions out of that space. If we were to think about access to knowledge, we have this fundamental contradiction around whose knowledge is protected and made available and preserved, and whose isn't. If we lived in a world that foregrounded indigenous knowledge practices, we would not be in the same conversation about climate change or climate injustice.

Maybe it sounds too basic, but it is easy to see when you're looking at search or social media and

you see a set of business leaders and lobbyists who are lobbying to protect and support people who have very racist ideologies, who are antidemocratic, who have fascist and authoritarian leanings and who make provision for people who want to obliterate most of the planet, rather than protect and preserve it.

KHADIJAH: I would add the notion of place. I'm against computational thinking and computational logic because it always datafies demographics of people and then brings it to scale. Indigenous knowledge is locally rooted. Those closer to the North Pole are not necessarily custodians of knowledge about desert regions and vice versa. Computational thinking doesn't allow for that kind of localized differentiated thinking, and also just wandering around. Everything is about efficiency and optimization.

SAFIYA: Yes. So many of the large scale computational projects in the world right now, like ChatGPT, are about this constant desire for universalization. When you try to force that kind of biodiversity, human diversity into static data models that are really about a total unification in the narrowest sense, then I think you preclude other kinds of localized contexts.

I was doing research in Western Australia this summer. I met some of the indigenous people who live there, and it was so incredible to hear them talk about being caretakers not just of the land, but of different animals and people, and these ways of thinking about the plurality of the ecosystem and being responsible for many parts of it, and living in orientation to the world that way.

KHADIJAH: I feel like we talked about song trails a couple years ago. Basically each part of the

"Black people are profound experts on policy because we are profound experts on the conditions that limit our movement."

Aboriginal nation generationally transmitted songs that were a part of trails that corresponded to different geographic areas on the continent, and each area only had just a part of the song and part of an area. When they would come together as a group, they could share all of those songs, and it would geographically guide them across the continent and across generations. That is such a different logic than large language models or natural language processing or trying to content moderate for hate speech, or even thinking about things as "content."

SAFIYA: It really affected me to be part of a group of people who I'll call Black Americans for whom the process of enslavement, the practice of enslavement, the system and institution of it, sought to destroy our ability to have those kinds of connections and that kind of knowledge preserved. When you are part of a people who have been brutally destroyed with every effort to ensure that any aspect of

your own indigenous knowledge is unavailable to you, it's extremely confrontational to then see people who still have access to that be under threat. Under no circumstances can their knowledge be lost too.

So many of these systems completely either seek to extrapolate and extract and decontextualize this knowledge, or they just completely ignore it, and I'm not sure which is worse. When I talk to librarians who work with indigenous knowledge, they talk about how one needs to earn the right to know certain kinds of things, which is a different kind of logic than all knowledge should be accessible to all people at all times, or all information decontextualized of the geographies, the people, the culture that make that information become knowledge. In many ways, while some people think that these systems create more clarity and access to knowledge, we could also argue that they create more confusion.

KHADIJAH: That's building off of *Algorithms of Oppression*. Al-

gorithms of Oppression is, on one hand, one of the most cited texts ever. You got the MacArthur. I see recognition, but I'm not always clear whether people deeply engage in your work. That story that rotates around every once in a while about how Googling Black people still brings up gorillas. But it doesn't move beyond that chapter.

I appreciate that you're a regular person, given that we originally scheduled this interview a couple days ago, but I have been very sick, and you said, let's reschedule. People who are close to you know that you have that level of humanity, which unfortunately is rare in academia, especially as people get to the top. Everyone around you shares my feeling that you're so generous with your time and with your financial support. So I really want to give you your flowers and acknowledge that. I appreciate both you and your work.

SAFIYA: Well, I'm not crying. You're crying. [Laughter] I really want to say thank you for saying that, and I appreciate you so much, and your wellbeing and health is very important to me. We know a lot of people who are not feeling well. I have not always felt well either myself over this past decade. But getting up every day and thinking about the things that we see and know are coming that maybe our families aren't thinking about or people in our communities or people at the grocery store, right? The teachers in our kids' schools, they're not thinking about all the time, *what will the implications of LLMs be for the future? What does it mean that the Saudis are huge investors in Twitter, which I refuse to call X because X belongs to Malcolm X?*

KHADIJAH: What is X? Let a white South African think that they could just rename shit, you know

what I mean? That's the most colonial thing ever.

SAFIYA: I know. It's so hilarious to me because it's so associated with the Nation of Islam, and I'm like, "Does he know that?"

KHADIJAH: I was sick in the hospital on a Dilaudid drip when this happened, and then I went on my phone for the first time in days and was like, "What's going on? Am I bugging right now?"

SAFIYA: What is so exciting to me about what you're doing with *Logic(s)* is you're able to take things like the concepts of *Algorithms of Oppression*, and you're right, a lot of people just cite it to say, "Algorithms are biased." But I was trying to convey in that book—

KHADIJAH: And *did*. Let's be clear, and *did*.

SAFIYA: Not only are these systems rigged against us fundamentally at the level of code, but also there are huge implications for what it means to have tech companies control society, and that they are fundamentally antidemocratic, and they are monopolies, and this is dangerous for the world. Maybe I put some of that too far in the back of that book [*laughs*] because I was saying that ten years ago.

KHADIJAH: People don't be reading. They want to cover their bases, but they don't actually want to engage in Black women's intellectual scholarship. I do think that there is a large group of people who actually heard, received the message, engaged, delivered. But those are not the loudest. Those are not the people getting the most resources.

SAFIYA: Black scholars have contributed a lot of ideas that have now been normalized as everyday common sense. I'm grateful that people have seen my work. But it has not made the true impact that we need it to make because when the White House summons people to talk about AI, they don't summon the Black scholars with powerful critique.

But a summoning is happening, has happened, because of radical tech critics around the world. There are thousands and thousands of people now who are reoriented to the fact that these systems are harmful, and a decade ago, that was not the predominant orientation. I'm very proud to be one grain of sand on that beach. But we have a lot of sand to move, so to speak, to really apprehend what these systems could do and are doing.

It's an honor to get to be interviewed by you. Listen, I think

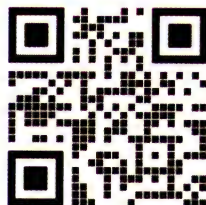
about you. I think about our sister Victoria Copeland, who is one of the most important voices right now around AI and Black children and women, who are in danger from these databases and statistical models and the destruction of Black families and communities. We know she has not been feeling well and is also a person we need to hold up.

When I look around, the truth is we are all helping each other and we are in different fights, and some people are out here trying to figure out how they get another hundred million dollars for their research center, and we're over here like, "Okay, how do we just keep a center going? And how do we make sure that nobody drops dead?" That's a real, real different context within which we do our work, so I'm glad that you're feeling better and I want to see you thriving. ♦

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Building Blocks of a Digital Caste Panopticon

Everyday Brahminical Policing in India

**Nikita Sonavane,
Mrinalini R, Aditya Rawat,
Ramani Mohanakrishnan,
and Vikas Yadav**

IN AUGUST 2022, in the southern Indian state of Telangana, an American dream came to fruition: the completion of a sprawling, state-of-the-art headquarters for policing and surveillance. Located in the heart of Hyderabad, the state's capital, the structure—christened the Integrated Control and Command Centre—is proudly described by the Telangana Police Department as the Indian equivalent to the New York City Police Department's 1 Police Plaza.¹ Comprised of five enormous twenty-story glass buildings, this “world-class construction” is the first of its kind in India—a prestige value not lost on the ruling political party in the state, which has wasted no time mobilizing it as a public symbol of the long struggle for an independent state of Telangana.

The Command Centre's origins date to soon after the state's formation in 2014, when Chief Minister K. Chandrasekhar Rao introduced significant changes to Telangana's policing system to attract foreign investors—a vision shared by his predecessor, Chandrababu Naidu, who had received World Bank backing to develop Hyderabad into India's next “Silicon Valley.”² Policy prescriptions sought to position the state as the center of informational growth, making Hyderabad a neoliberal urban lab with policing as the central canon to create “safe” spaces for foreign investments.³ This logic was seen

1 Uma Sudhir, “State-of-the-Art Police Command Centre Comes Up in Hyderabad,” *NDTV*, August 4, 2022, <https://www.ndtv.com/hyderabad-news/state-of-the-art-police-command-centre-comes-up-in-hyderabad-3224626>.

2 Asif Yar Khan, “Stone Laid for Hyderabad Police Command, Control System,” *Hindu*, November 22, 2015, <https://www.thehindu.com/news/cities/Hyderabad/stone-laid-for-hyderabad-police-command-control-system/>

article7905597.ece; “NYPD-Style Office for Police in Hyderabad,” *Deccan Chronicle*, August 14, 2014, <https://www.deccanchronicle.com/140815/nation-current-affairs/article/nypd-style-office-police-hyderabad>.

3 Diganta Das, “Making of High-Tech Hyderabad: Mapping Neoliberal Networks and Splintering Effects,” *Singapore Journal of Tropical Geography* 36, no. 2 (July 2015): 231–48.

- 4 "Telangana Govt Mulls Stronger Legislation to Curb Crimes against Women in the State," *Times of India*, October 6, 2014, https://timesofindia.indiatimes.com/city/hyderabad/telangana-govt-mulls-stronger-legislation-to-curb-crimes-against-women-in-the-state/articleshow/44458317.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.
- 5 Syed Amin Jafri, "Hyderabad City Police Poised for Make-over," *Times of India*, September 22, 2014, <https://timesofindia.indiatimes.com/city/hyderabad/hyderabad-city-police-poised-for-make-over/articleshow/43109674.cms>.
- 6 "Command Control Centre Will Be Hyderabad's Third Eye: C. V. Anand," *Deccan Chronicle*, July 25, 2022, <https://www.deccanchronicle.com/nation/current-affairs/260722/countrys-first-command-control-centre-in-hyderabad-heres-whats-ins.html>; Rishika Sadam, "Amnesty Flags CCTV Surveillance 'Risk' in Hyderabad But Police Say 1 Camera Equals 100 Cops," *Print*, November 11, 2021, <https://theprint.in/india/governance/amnesty-flags-cctv-surveillance-risk-in-hyderabad-but-police-say-1-camera-equals-100-cops/764593/>.
- 7 "Telangana Household Survey Enters Limca Book of Records," *Deccan Chronicle*, May 2016, 2016, <https://www.deccanchronicle.com/nation/current-affairs/260516/telangana-household-survey-enters-limca-book-of-records.html>.
- 8 Kumar Sambhav, "Exclusive: Telangana Offered Its Own 360 Degree Citizen Tracking System to Modi Govt," *Reporters' Collective*, March 19, 2020, <https://www.reporters-collective.in/stories/exclusive-telangana-offered-its-own-360-degree-citizen-tracking-system-to-modi-govt>; Srinivas Kodali, "Hyderabad's 'Smart Policing' Project Is Simply Mass Surveillance in Disguise," *Wire*, February 8, 2017, <https://thewire.in/government/hyderabad-smart-policing-surveillance>.

as complementary to "securing" the increasing number of women in public spaces. A slew of laws concerning policing were introduced in the name of "women's safety."⁴ In September 2014, for instance, \$203.8 million was earmarked for the overhaul of Telangana police, of which Hyderabad's city department was allocated \$82.5 million.⁵ There are now 925,000 closed-circuit TVs across Telangana, including CCTVs installed by private entities and communities. Of these, nearly 370,000 are in Hyderabad alone.⁶

In preparation for the overhaul of government surveillance apparatus, Telangana also conducted an unprecedented one-day socioeconomic survey, the largest in India, called the Kutumba Samagra Survey.⁷ It sought to enumerate ninety-four parameters of civic life by recording details of individuals and their family members, disabilities and chronic diseases, housing, and movable assets. Launched by the state planning commission, this was part of the 360-degree profile that the state government was building on its citizens, known as the Integrated People Information Hub.⁸ While similar population databases are now cropping up across the Indian states, Telangana's survey is an anomaly: not only did the police department play a crucial part in compiling the data,⁹ but it also hosted the data for two years before transferring it to the IT department.¹⁰ According to one South India-based tech researcher who explained to us, "The surveys are often conducted by the Rural Development department, Planning or some special initiatives. While the data sits with this e Governance entity under the IT department, it's an informal arrangement through which the Police have access."

The state's focus on safety and development has largely been predicated on the "visibility of policing," which is characterized by a

host of digital tools geared toward making the police more "efficient" as well as more omnipresent. Hyderabad has served as the model for such "smart policing," particularly since the rise of Hindu nationalism in the country and its criminalization of Muslims. Much like its idolized counterpart, the New York City Police Department, the Hyderabad police has used technological prowess to intensify its relentless gaze upon the lives and bodies of oppressed communities in the city. Casteist digital datafication of marginalized bodies—in this case those from oppressed caste groups—has been a crucial part of the creation and entrenchment of this surveillance project.

Drawing on the philosopher Michel Foucault's analysis of modern disciplinary societies, combined with his later conceptualization of power in the form of governmentality, our contention revolves around the disconcerting trend where tools like surveys, when combined with unbridled policing technologies, set in motion what we call the digital caste panopticon. With the case of Telangana, we argue that growing digitization of policing solidifies the confluence of colonialism and caste. We use the term "Brahminical policing" to refer to a violently imposed ideol-

9 "A Centralised Database of Citizens in the State of Telangana Is under Consideration," *First Post*, January 31, 2017, <https://www.firstpost.com/tech/news-analysis/a-centralised-database-of-citizens-in-the-state-of-telangana-is-under-consideration-3696851.html>.

10 J. B. S. Umanadh, "Telangana Govt Denies Surveillance Snooping on Citizens," *Deccan Herald*, November 7, 2019, <https://www.deccanherald.com/india/telangana-govt-denies-surveillance-snooping-on-citizens-774306.html>.

ogy that positions Brahmins as the epitome of purity in the hierarchy of caste, and that includes within it the eugenic tenets of colonialism. This form of policing extends its reach well beyond ostensibly public spaces, into the everyday lives of marginalized communities. In our analysis, we also challenge the notion of castelessness in the framing of religion, urging the deployment of an anti-caste framework to engage with questions of policing in the Indian subcontinent, and perhaps beyond.

CASTE-ING CRIMINALIZATION OF MUSLIMS IN HYDERABAD

Hyderabad, given its heritage of Nizam (a Muslim monarch family) rule until Indian independence, has been home to a rich Muslim culture. Today, they constitute 43 percent of the population, against the national average of 14 percent (and 12 percent in the state of Telangana).¹¹ Despite this, a 2016 government report noted that over 81 percent of Muslims in the state were recognized as socially and educationally backward classes.¹² Another report of a survey of Muslims in the Old City area of Hyderabad notes that over 87 percent were employed as daily wage laborers or skilled labor as auto drivers, plumbers, electricians, butchers, mechanics, and so on.¹³ As scholars like Khalid Ansari note, the popular framing of “Islamophobia” as the main trick in the playbook of the ruling dispensation obscures stratification among Muslim communities.¹⁴ For instance, the 2016 report cited above concludes that certain “occupation-based communities” were targets of discrimination by fellow Muslims.

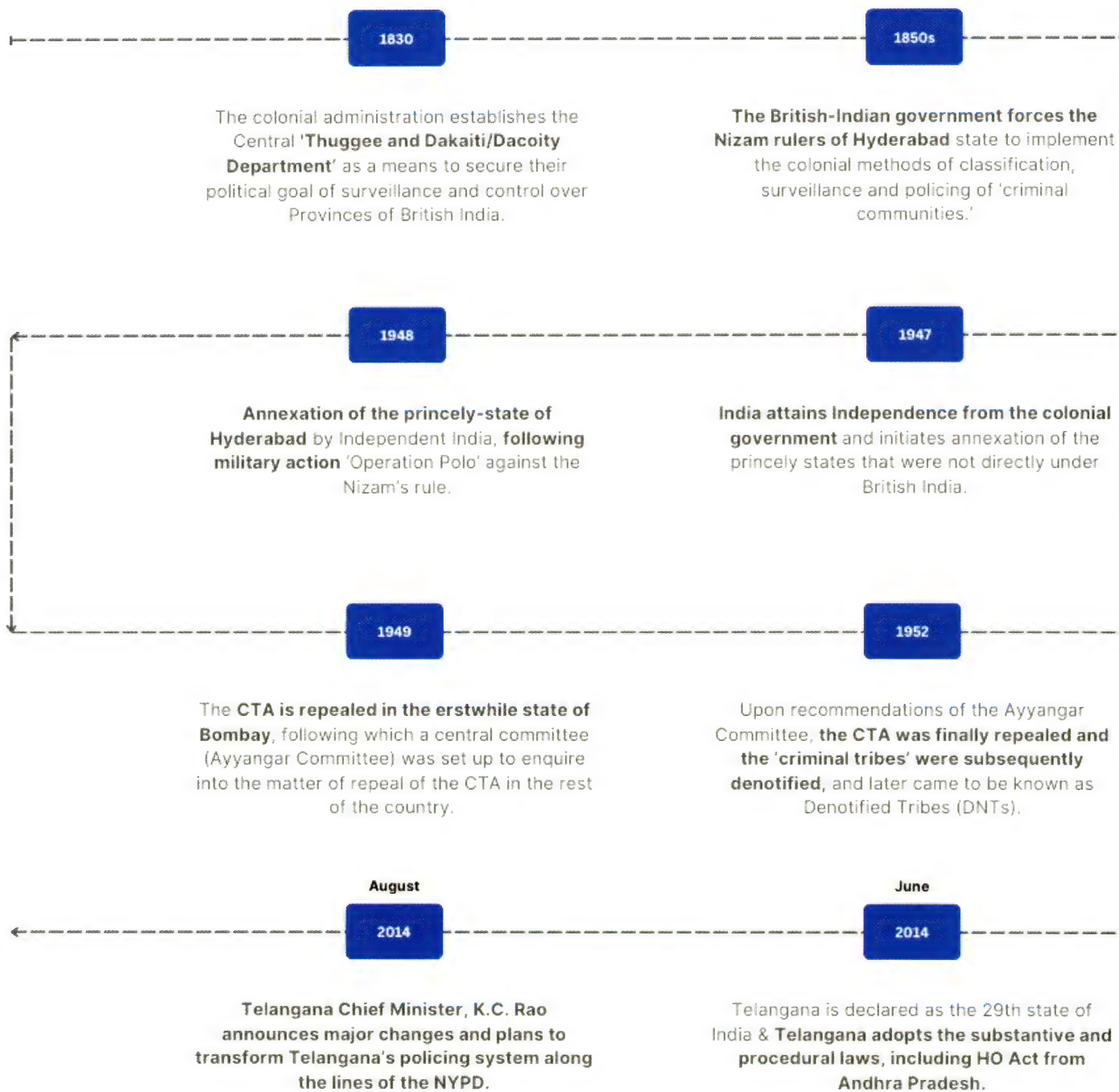
The caste system, existing for over three thousand years, is the oldest socioeconomic system of stratification in the Indian subcontinent. Even ostensibly “casteless” religions like Islam have not been

spared from its influence. As a birth-based hierarchical social order, also known as the Varna system—in which the priestly Brahmins occupy the highest position, followed by Kshatriyas, Vaishyas, and Shudras—the logic of caste extends to almost all communities and faiths in India. Given its endogamous nature, it is not simply a social practice but also an economic one, with each distinct Jati (a sub-group within a Varna) designated a certain occupation, making occupational roles hereditary. Forest-dwelling indigenous communities, Dalits (against whom untouchability has been perpetrated historically), and nomadic tribes continue to be at the receiving end of this system. The Laws of Manu, or Manusmriti, one of the earliest (divine) legal codes congealing the caste system, ascribe differential punishments to various lower-caste communities, tribes, and women for its violation, thereby locating the root of carcerality within the caste order.¹⁵ In other words, to maintain and reproduce this hierarchical system, the Hindu social order has fundamentally relied on elaborate modes of policing and punishment. These caste-based prescriptions were later given their modern legal form by the British colonial administration.

In the early 1800s, the British administration was tasked with crime control as a necessity to their goals of commercial trade, which facilitated the establishment of a “Thuggee and Dacoity Department.”¹⁶ The department treated “thugs”—those who committed highway robberies—as a “criminal class,” conceptualized as a hereditary occupation, like other caste-based occupations prevalent on the subcontinent. By the 1850s, the colonial government had imposed methods of classification, surveillance, and policing to monitor groups that they termed “criminal communities”—categories estab-

- 11 “Hyderabad District Religion Data – Hindu/Muslim,” Population Census (India), Hyderabad Religion Census 2011, <https://www.census2011.co.in/data/religion/district/122-hyderabad.html>.
- 12 Report of the Commission of Inquiry on Socio-economic and Educational Conditions of Muslims, Government of Telangana, August 2016, <https://www.telangana.gov.in/PDFDocuments/Inquiry%20commission%20report%20final%20dt%2010th%20Dec.pdf>.
- 13 Syed Akbar, “1 in 3 Muslim Women in Old City Lone Breadwinners, Says Survey,” *Times of India*, March 23, 2023, <https://timesofindia.indiatimes.com/city/hyderabad/1-in-3-muslim-women-in-old-city-lone-breadwinners-says-survey/article-show/98926722.cms>.
- 14 Khalid Anis Ansari, “Rethinking the Pasmanda Movement,” *Economic and Political Weekly* 44, no. 13 (March–April 2009): 8–10.
- 15 See Georg Böhler, *The Laws of Manu* (Oxford: Clarendon Press, 1886).
- 16 Radhika Singha, “‘Provincial’ Circumstances: The Thuggee Campaign of the 1830s and Legal Innovation,” *Modern Asian Studies* 27, no. 1 (February 1993): 83–146; Bhangya Bhukya, “‘Delinquent Subjects’: Dacoity and the Creation of a Surveillance Society in Hyderabad State,” *Indian Economic and Social History Review* 44, no. 2 (April 2007).

lished through the consolidation of information on their beliefs, language, culture, and movements.¹⁷ Contemporary scholarship has traced how this form of colonial anthropology emerged in conversation with existing Brahminical ideology, ultimately paving the way for the Criminal Tribes Act, 1871 (CTA), which identified “criminal tribes” who were “addicted” to crime.¹⁸ At the time, Hyderabad was a princely state, which meant that it was not directly under British rule, though British-occupied



1871

The **Criminal Tribes Act (CTA)** came into force and was initially extended only to the certain territories. However, provision related to arresting a person whose movement is restricted was extended to whole of British India.

1884

The **Hyderabad state's Thuggee and Dacoity Department** was created. This was controlled and monitored entirely by the **Central Thuggee and Dacoity Department of British India**.*

1924

The CTA was amended again in 1924. The powers were as draconian as **allowing the state to remove any child of the age of six and above from its 'criminal' parents**.

1911

The CTA was amended in 1897, 1908 and 1911 to give sweeping powers to the authorities. **The 1911 amendment extended the CTA to the rest of British-India.**

1962

The **Andhra Pradesh Habitual Offender Act** comes into force.

1987

The **Andhra Pradesh Police Manual**, detailing the procedure of surveillance and maintenance of various registers maintained by the police is implemented in the state.

2010

The Union Government unveiled a new biometric-ID document known as the **Aadhaar Card**.**

2009

The Union Government unveils its plan to roll out an IT-based networked infrastructure for police stations: **the Crime and Criminals Tracking System (CCTNS)** by 2014.

*Additionally, the Nizam ruled state of Hyderabad promulgated a discrete regulation called the Lambada Dustur-ul-Amal due to the colonial government's pressure. This regulation contained all the measures found in the CTA, to control the 'criminal tribes' in the state.

**A new agency, the Unique Identification Authority of India (UIDAI) was formed in the year 2009, to produce the card, as well as store the data in a centralized database. Aadhaar is a unique identity number. The government intended for Aadhaar to be the primary identity number for all legal Indian residents. In order to obtain an Aadhar card, a resident must submit their biometric data (fingerprint, retina scan, etc.)

territories surrounded it. Nevertheless, in 1896, Hyderabad was compelled to promulgate its own version of the CTA due to the labeling of the walled city-state as a geography that allowed for easy movement of “dacoits,” and to the large number of Lambadas (an erstwhile-criminalized tribe), who had attained some sociocultural capital yet were seen as a threat.¹⁹

A key aim of the CTA was to surveil, resettle, and sedentarize nomadic tribes.²⁰ In order to confine them to specific villages and reformatories, its surveillance mechanisms pervaded every aspect of nomadic tribes’ social lives. They were mandated to register with local police stations, and to face fines and penalties. The British administration employed discriminatory anthropometric techniques, including physical measurements, roll calls to track their presence,

and later, as technology advanced, fingerprinting.

In 1952, following independence from the British Empire, India repealed the CTA. The formerly criminalized communities came to be known as Denotified Tribes (or DNTs). However, this would not be an end to the surveillance that had shadowed DNTs for so long. A parallel story was unfolding in 1948 when the Nizam of Hyderabad refused to integrate with the Indian Union, prompting military action (or “Police Action”) by the Indian state.²¹ The Arya Samaj’s (a reformist Hindu organization) communal propaganda characterizing the excesses of the Muslim paramilitary force in Hyderabad as the wholesale rot of Muslim society, offered ample cover. Under the garb of collapsing law and order and supporting “oppressed Hindus,” the Union’s annexation resulted in mass killings, sexual violence, and the looting of Muslim homes.²²

MUSLIMS CITIZENSHIP IN MODERN HYDERABAD

Following the annexation of Hyderabad, the relationship between Muslims and the police was marked by suspicion—a dynamic that persists to this day. Among human rights scholars of India, the anti-Muslim disposition of policing is now a matter of consensus. At the same time, the heterogeneity of Muslims has often been overlooked. Shaik Yousuf Baba, aka “Sky Baba,” a writer from Telangana, points out that within Muslims, conversations about caste rarely occur, even as many Islamic communities are intricately intertwined with caste. Sonar and Hajam Muslims, for instance, are engaged in goldsmithing and hairdressing (caste-based occupations associated with lower-castes).

Formerly criminalized communities, too, grappled with the blurry boundaries of caste and religion, especially as a politically under-represented group. As the Renke Commission report on nomadic and denotified tribes notes, DNTs practiced varying faiths, including Hinduism, Islam, and Sikhism. M. Subba Rao, convener of the DNT Political Front, told us,

Whoever [Dalits and backward castes] converted from these Hindu castes ... they are still practicing the old traditional occupations and livelihoods. Though they are Muslims ... many of them are stone-cutters. Fakirs [nomadic Muslims] go door to door and to these shops and put *dhoops* and get money.²³

Further, it is evident that Muslims, particularly lower-caste Muslims, are ghettoized even in Hyderabad, where they form a huge population.²⁴ This puts them at the bottom of what historian Radha Kumar calls the “hierarchy of spaces,” witnessing policing as an intimate part of their everyday lives.²⁵

Consider “Mission Chabutra,”

17 Bhangya Bhukya, Subjugated Nomads: The Lambadas under the Rule of the Nizams (Hyderabad: Orient BlackSwan, 2022).

18 Henry Schwarz, Constructing the Criminal Tribe in Colonial India: Acting like a Thief (London: Wiley-Blackwell, 2010); B. R. Ambedkar, Annihilation of Caste, 1936, available at https://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/readings/aoc_print_2004.pdf.

19 Bhukya, “Delinquent Subjects.”

20 Meena Radhakrishna, Dishonoured by History: “Criminal Tribes” and British Colonial Policy (Hyderabad: Orient BlackSwan, 2001).

21 “Sept 17 1948: Operation Polo; The Violent History of Hyderabad’s Annexation,” Siasat Daily, September 17, 2022, [https://www.siasat.com/sept-17-1948-operation-polo-the-violent-history-of-hyderabad-annexation-2414636/](https://www.siasat.com/sept-17-1948-operation-polo-the-violent-history-of-hyderabad-annexation-2414636/Pandit Sunderlal Committee Report on the Massacres in Hyderabad (1948)); Pandit Sunderlal Committee Report on the Massacres in Hyderabad (1948), available at <https://archive.org/de->

[tails/pandit-sunderlal-committee-report-on-the-massacres-in-hyderabad-1948](https://pandit-sunderlal-committee-report-on-the-massacres-in-hyderabad-1948).

22 Swathi Shivanand, “How Caste Politics in Hyderabad-Deccan Unsettles the Hindu-Muslim Binary,” News Minute, September 17, 2023, <https://www.thenewsminute.com/telangana/how-caste-politics-in-hyderabad-deccan-unsettles-the-hindu-muslim-binary>.

23 Report of the National Commission for Denotified, Nomadic, and Semi-nomadic Tribes, vol. 1, Ministry of Social Justice and Empowerment, Government of India, June 30, 2008, <https://ruralindiaonline.org/bn/library/resource/national-commission-for-denotified-nomadic-and-semi-nomadic-tribes-report---volume-i/>.

24 Akbar, “1 in 3 Muslim Women.”

25 <https://www.cornellpress.cornell.edu/book/9781501761065/police-matters/#bookTabs=1>

launched in 2015 by the Hyderabad police, which resulted in stop-and-search operations in the Old City, where a large number of Muslims live. Under this mission, “wandering youth” who are found “loitering” in their neighborhoods at night are forced to scatter after surrendering their fingerprints, which are processed through portable fingerprint scanners. The fingerprints are matched against the police department’s existing records for pending warrants or criminal records. In a few instances, these police actions also involve religious leaders in the community to counsel young men to give up their “wayward” ways.

In their regulation of access to spaces and deployment of a casteist trope of “decency,” the police enforce social discipline in the name of public propriety and perpetuate the legacy of the CTA.²⁶ Even after the CTA was repealed, several Indian states enacted new laws criminalizing “habitual offenders” instead of “criminal tribes,” upholding the same Brahminical social norms. These laws are still in operation in ten states, including in Telangana.²⁷

HOW OPPRESSED CASTES BECOME “HABITUAL OFFENDERS”

On a scorching afternoon in April, we visited an award-winning police station in Hyderabad. An engineer-turned-police officer walked us through the different sections of the station: a reception, an administrative desk (which generates First Information Reports (FIRs) from initial complaints), a women’s help desk, a lockup, a firearms storeroom. Adorning the walls of the station were motivational posters about controlling one’s anger and ego, and the importance of punctuality. While detailing to us the intensive surveillance of “habitual offenders,” the officer showed us on his phone

an app that had recorded a photo taken of one such individual, clicked at 2:00 a.m. outside their house on a routine weekday. Upon expressing surprise, he proudly remarked, “It’s like they are living in our custody all the time.” He went on to show us how they checked in with each “habitual offender” every night and took pictures with them on e-tablets, marking where they were physically present.

In Telangana today, a “habitual offender” is any adult who has been convicted thrice in any consecutive five-year period.²⁸ Existing records of habitual criminals prior to 1962 were carried over to this legislation, marking a clear continuation of the CTA. Though records under the Habitual Offenders Act, 1962 (carried over from the state of Andhra Pradesh after the latter split), are to be maintained only for a period of five years, this “registration” may be extended for another five years. This can result in individuals being summoned to police stations at any time, having their physical mobility restricted, and even being sent to corrective settlements.

In this context, police manuals, drafted at the state level in India, crucially reveal policing’s role as a knowledge-producing institution. Records created on the basis of these manuals are a double-edged sword: they serve both as “evidence” on marginalized communities and as a basis for decision-making on resource allocation in surveillance efforts, thereby perpetuating caste-class relations on an everyday basis. A quick examination of the Andhra Pradesh Manual (also adopted by Telangana) reveals various methods through which surveillance of “habitual offenders” has been expanded (beyond the scope of the above legislation) and refined to monitor any behavior deemed suspicious, spanning from the local police station to the broader state-level

- 26 Radha Kumar, Police Matters: The Everyday State and Caste Politics in South India, 1900–1975 (Ithaca, NY: Cornell University Press, 2021); Stanley Cohen, Visions of Control: Crime, Punishment, and Classification (Cambridge, UK: Polity, 1985).
- 27 The Declaring of Habitual Offenders Laws as Void Bill, 2018, available at <http://164.100.47.4/bill-texts/lbills/lbills/asintroduced/2227as.pdf>.
- 28 The Telangana Habitual Offenders Act, 1962, available at https://www.indiacode.nic.in/bitstream/123456789/8647/1/act_4_of_1962.pdf.
- 29 Andrapradesh Police, Andhra Pradesh Police Manual, n.d., available at <https://www.scribd.com/document/299604578/Andhra-Pradesh-Police-Manual-PDF>.

intelligence departments.²⁹ Under a broad category of “law and order maintenance,” the manual authorizes the preservation of various registers according to the nature of the alleged offence and background of the offender. Based on this classification, an individual may be treated as “casual” or “professional” offenders and entered into documents called “Suspect sheets,” “Rowdy sheets,” “Bad Character Rolls” or “History sheets,” triggering surveillance of varying kinds from police station to police station, district to district, or state to state. Moreover, if an alleged first-time offender belongs to a family or group with a criminal history or is even an associate of a “habitual offender,” they are automatically classified as a “professional offender.” Even minor offences like pick-pocketing or “thuggery” are linked to “professional” criminals due to historical associations with specific castes and tribes. A history sheet is created for them, mandating daily check-ins with law enforcement officers for professional offenders.

- 30 T. S. Sudhir, "Geo-tagging of 'Criminals' in Telangana: Efficient Policing or Human Rights Violation?," *News Minute*, January 20, 2018, <https://www.thenewsminute.com/telangana/geo-tagging-criminals-telangana-efficient-policing-or-human-rights-violation-75057>.
- 31 The Criminal Procedure (Identification) Act, 2022, available at https://www.mha.gov.in/sites/default/files/2022-11/Criminal-Pro_14112022%5B1%5D.pdf.
- 32 B. Krishna Mohan, "Telangana Moots Use of Blockchain Technology in Policing," *Telangana Today*, October 20, 2022, <https://telanganatoday.com/telangana-moots-use-of-blockchain-technology-in-policing>.
- 33 "All-in-One App for Hyderabad Police," *Hindu*, April 20, 2016, <https://www.thehindu.com/news/cities/Hyderabad/allinone-app-for-hyderabad-police/article8497157.ece>.
- 34 "About," Unique Identification Authority of India, Government of India, <https://uidai.gov.in/en/about-uidai/unique-identification-authority-of-india.html>.

In such cases, beat constables are encouraged to conduct nighttime checks on these "history-sheeters" and maintain daily red ink entries in the General Diary, which record all police station incidents. This information is shared within the police hierarchy, including neighboring stations, supervisors at the city or district level, and the District Crime Records Bureau, which compiles crime statistics for state and national records. There is virtually no known bar on the extent of information sharing of these databases, which encompasses details of an individual's physical and behavioral traits, family members and associates, and even any changes in their personal life.

This discretionary classificatory paradigm of "habitual offenders" (and enumeration under differ-

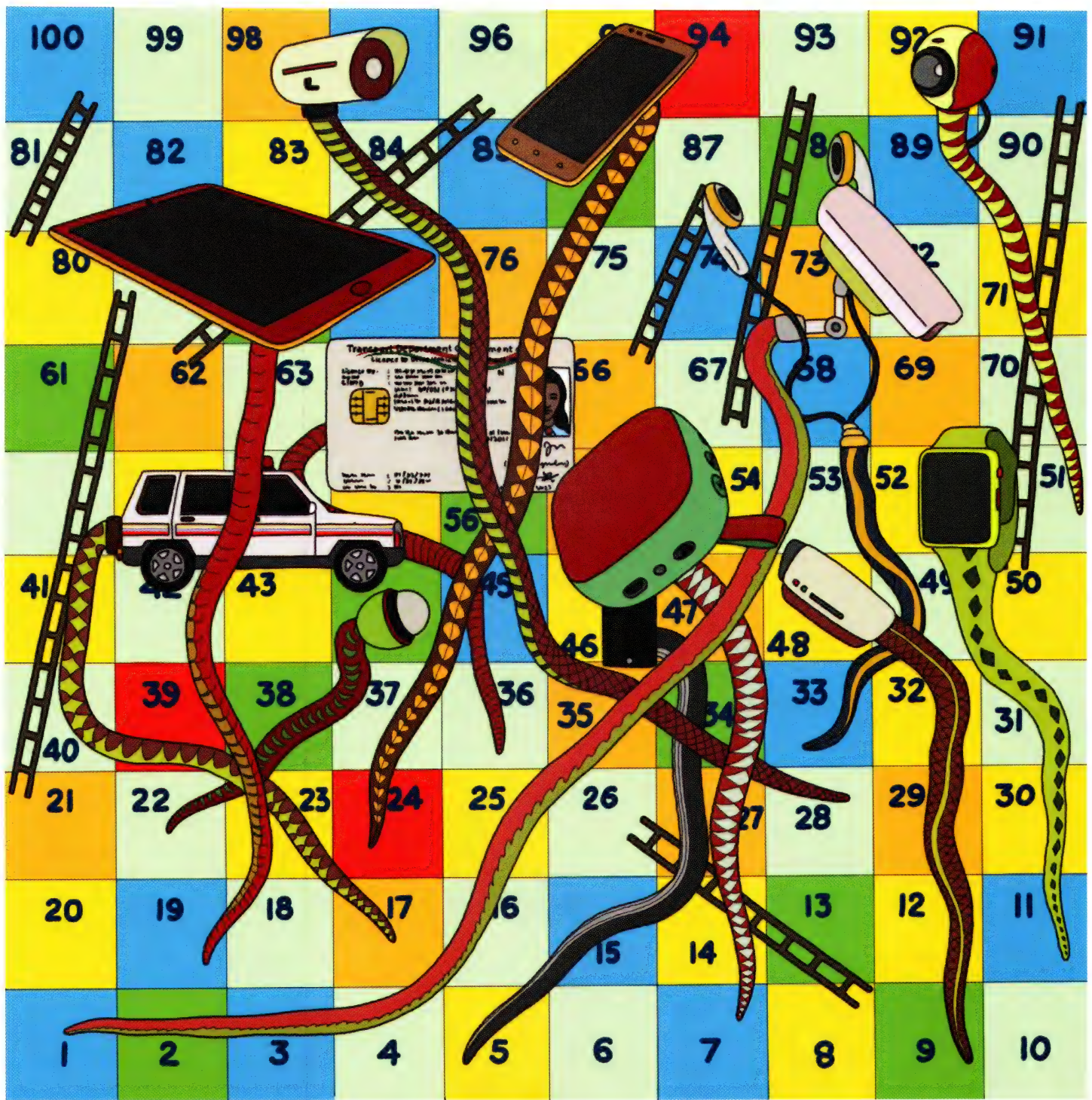
ent but overlapping categories of "professional offenders," "history sheeters," and so on) clearly continues to reproduce the casteist construction of criminality, albeit in a more palatable administrative form. A family belonging to the Yerukula tribe, a DNT community, told us how the members of their family were routinely picked up for questioning and extorted so as not to be booked on false charges. If one of them needed to travel, whether across district or state lines, they would have to notify the local police station. They added that the police held copies of their personal identification documents, call records, and biometric data. Per the police manual, police must maintain these records at all outposts, share with other states, and collate them weekly through the Criminal Intelligence Gazette, further assembled by the state investigation agencies and privately circulated across the country every month.

The Telangana government's 2018 Comprehensive Criminal Survey was the first of its kind to enumerate all "repeat" and "professional offenders." It collected fingerprints and photographs, geotagged the location of alleged offenders' residence, and compiled details of their family trees along with their phone numbers.³⁰ Even those that had been acquitted of a crime due to lack of evidence were included. With the recent federal legislation of the Criminal Procedure Identification Act, 2022, the police have now been empowered to store and share this data at a federal level, with a lengthy shelf life of seventy-five years.³¹ The arrival of Big Data surveillance technology and their reputation for reducing paperwork has lent itself well to form an unending continuum around historically criminalized communities, such as DNTs, as objects of policing.

OLD WINE, NEW BOTTLE: DIGITIZING EVERYDAY FORMS OF VISIBLE POLICING

The provisions within the Criminal Tribes Act and Habitual Offenders Act demonstrate that the Telangana police have historically gathered data on the movements, associations, and activities of specific communities branded as criminals, employing a combination of imprecise classification systems. As we have shown, this abiding interest has been perpetuated through modern surveillance methods leveraging the perpetually dynamic nature of technology, resulting in the escalation of digitized policing practices. These include the digitization and expansion of existing criminal databases, while relying on the myth of technocratic objectivity. This ideological framework has enabled states to develop more intrusive policing techniques for monitoring so-called habitual offenders. The legacy of the CTA now finds expression as "data," forming the foundation for training digitized surveillance systems.

As a newly minted state, Telangana adopted its neoliberal-friendly Silicon Valley dreams to reform the institution of policing.³² It quickly innovated sophisticated software that allowed one to search databases of state records, using facial and fingerprint recognition and prior antecedents, if any.³³ One could now search this history through a phone number, state-issued identification such as voter's registration or driver's license, and national biometric identification registries like Aadhar.³⁴ This infrastructural capacity was built by two relatively unknown, recently incorporated companies: WinC and Tecdatum.³⁵ Our conversations with tech researchers in the city raises eyebrows about how contracts for constructing this surveillance architecture for the state (based on example technologies from Singa-



pore, New York, Israel) were awarded to companies with no proven record—questions which remain fertile ground for further research.

The use of technology has the effect of digitally encoding and hyper-visibilizing everyday forms of policing, while positing digitization as the “invention” of new forms of policing. This is most prominently seen in the use of crime analytics to identify “crime hotspots,” along

with the deployment of traditional policing methods such as the use of informants and patrolling. The creation of informants and patrolling both constituting and being contingent upon the creation of “crime hotspots.”

As we have shown above, the process of delineating “criminal spaces” is synonymous with casteist segregation. Correspondingly, the identification of “crime hotspots”

forms the essence of predictive policing and is a common strategy deployed in large cities like Delhi.³⁶

The creation of crime hotspots also dovetails with the concentration of patrolling resources in such “hotspots.” Through biometrical-ly-oriented data-driven patrolling, the police effectively position themselves in popular imagination as providers of swift justice. Our analysis of Hyderabad illustrates

- 35 "Our Portfolio," WinC IT Services, <http://wincitservices.com/portfolio.html>; "Smart Policing," Tecdatum, <https://tecdatum.in/law-enforcement.html>.
- 36 Vidushi Marda and Shivangi Narayan, "Data in New Delhi's Predictive Policing System," FAT* '20: Proceedings of the 2020 Conference on Fairness, Accountability, and Transparency, January 2020, 317-324, <https://dl.acm.org/doi/abs/10.1145/3351095.3372865>.
- 37 TSCOP, <https://tscops.telangana.gov.in/>.
- 38 "KiteEye," Tecdatum, <https://tecdatum.in/kiteeye.html>.
- 39 Jessica Hinchy, "Gender, Family, and the Policing of the 'Criminal Tribes' in Nineteenth-Century India," *Modern Asia Studies* 54, no. 5 (2020): 1669-711.
- 40 Tender Call Notice for Selection of Agency for Deployment of IT Professionals, TS Police Department, August 2022, <https://www.tsts.telangana.gov.in/tenders/1187/pdf/download>.
- 41 Yanadi Reddy Mattipati, "Visible Policing to Check Crime in Telangana," *Hans India*, July 22, 2019, <https://www.thehansindia.com/telangana/visible-policing-to-check-crime-in-telangana-548594>.
- 42 Mohd Ujale, "Budget 2016: CCTNS Catches FM Arun Jaitley's Eye, Gets Rs 250 Crore," *Financial Express*, March 2, 2016, <https://www.financialexpress.com/market/budget-2016-cctns-catches-fm-arun-jaitleys-eye-gets-rs-250-crore/218727/>.

how the reproduction of order through patrolling is deeply imbricated with the police's crime-control mission.

In Hyderabad, the T-S Cop portal acts as a fulcrum for the creation of these "criminal hotspots."³⁷ Its main analytic tool is a software

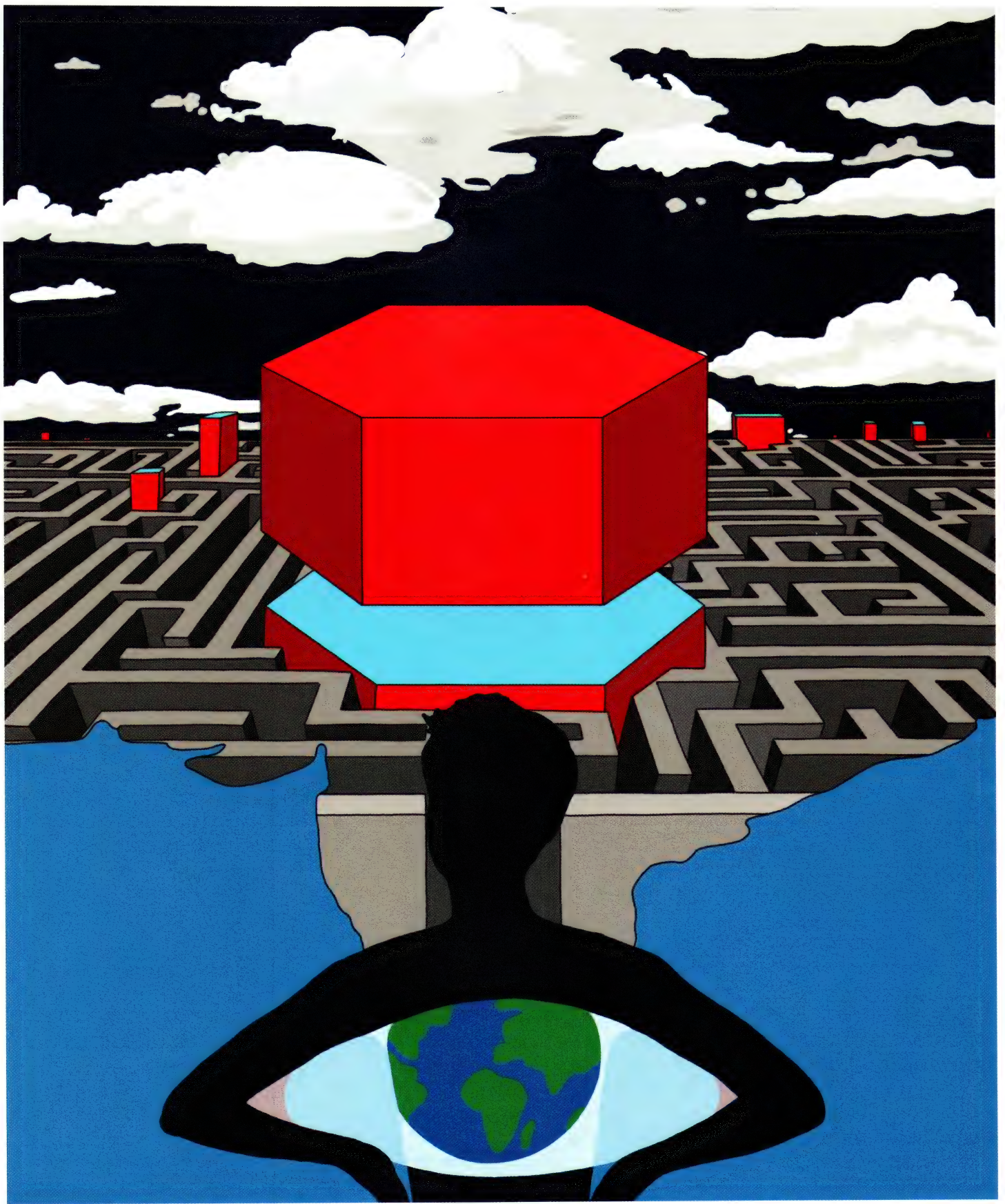
system called KiteEye Interactive Mapping of Crimes and Accidents for Police, which tracks where alleged crimes have been registered, the nature of the response, and the number of police officers who responded.³⁸ Essentially, every time a distress call is made, an accident takes place, or an incident is registered, it is geotagged. At the same time, police officers' patrol vehicles themselves are also tracked geospatially using GPS chips. A geographic information system (GIS) breaks down different data points, such as patrolling, by different types of vehicles or different categories of incident, and filters details by individual police stations. At the broadest level, through algorithmic plotting of legacy data, the KiteEye generates reports showing bigger "crime hotspots" with different colors, along with smaller scatterplots of crime categories. Across all categories, without exception, "repeat offenders" and their movements are key targets on the software. Leveling its panoptic gaze at neighborhoods selected for discipline and punishment, the software suite thus deploys geographic positioning to attribute the taint of being branded a criminal to the physical spaces where DNT communities live and work.

Another important function of the KiteEye is the collation of patrol data against crime occurrence, which enables it to layer "maps" of different indices to assess whether patrol vehicles frequent areas from which distress calls are frequently received. Given the nature of mapping the occurrence of crime, this has a chilling effect in how those belonging to DNT communities access or navigate public spaces. Their very presence is datafied as an alert to policing systems as a "call to action." Thus, the digitization of a crucial function of everyday policing continues to draw upon the encoded logic of the caste, ensur-

ing the "polluted" do not "pollute more."

The completion of this trifecta of "predictive policing" is brought to fruition through a system of informants. Policing has historically relied on a network of "reliable informants" or *makhbars* or *mukhbirs*, predominantly from oppressed caste communities.³⁹ An app called Dragnet has been designed to synthesize informants' tips and to help enter these into records that relate to "sensitive" persons, organizations, rallies, and meetings of interest.⁴⁰ A more curious kind of information aggregated and analyzed in the app are the "tips" received from the Special Branches of the police. Dragnet is used exclusively by officers of a Special Branch and other intelligence division to enter details on any movement, new information, new associations, or personal details on those being tracked, and the corresponding "threat perception" level. One can search for an individual's name and view all the tips ever recorded about them and connect them to mapping of hotspots. The deployment of data to create crime hotspots, along with patrolling and the use of informants, contributes to the recasting of criminalized communities as "digitized criminal communities."

At its core, the term "predictive policing" is a misnomer. It hinges on the audacious premise that policing, however digitized, can transcend its intrinsic biases to foresee future events with unfettered objectivity. Our inquiry substantiates that, in practice, policing operates fundamentally on presumptions rather than on "neutral" predictions. Dwelling upon the red herring of prediction has the effect of obfuscating the history of policing as caste. And to go by Telangana's example, there is nothing stopping the police from combining osten-



43 Indian Institute of Public Administration, Report on the Evaluation of Crime and Criminal Tracking Network and Systems Project, n.d., <https://www.mha.gov.in/sites/default/files/IIPA-Report-CCTNS.pdf>.

44 "India Passes Data Protection Law amid Surveillance Concerns," *Reuters*, August 10, 2023, <https://www.reuters.com/technology/india-passes-data-protection-law-amid-surveillance-concerns-2023-08-09/>.

45 Dominique Moran, *Carceral Geography: Spaces and Practices of Incarceration* (London: Taylor & Francis, 2015).

sibly invisible, predictive technologies considered to be "friendly and smart" with traditional forms of "visible policing."⁴¹ Advocates of visible policing, who often describe legal safeguards as impediments to justice, are now working closely with private-sector data analytics firms to circumvent settled criminal procedures and "do justice." A senior police officer candidly described to us the legal safeguards against arrest, especially for minor offenses, as interfering with delivery of justice to victims, for whom the police are the only "savior." He also noted how younger officers, who now work more closely with technology, were less observant of due process.

UNIFY AND PUNISH

Digital data is the crux of the project of everyday casteist policing in India. While the collection of data by local police stations, beginning with the creation of criminal registers and their evolution into digital forms, has historically been rooted in localized agendas of policing, there is now a push for making policing a nationwide project. In 2009, India's federal government unveiled a plan to roll out a larger public initiative to create, by 2013 (though ultimately delayed

well into 2017),⁴² an IT-based networked infrastructure for police stations: the Crime and Criminals Tracking System (CCTNS). The National Crime Records Bureau (NCRB), the nodal agency for aggregating crime statistics in India, was sanctioned as the implementing agency to enable the "real-time investigation of crime and detection of criminals" for roughly fifteen thousand police stations and five thousand higher-level police offices across the country.⁴³

The stated purpose of the CCTNS, which centralized crime data such as arrest records, charge sheets, and first information reports from across the country, is to improve the speed of criminal investigations and prevent crime. However, at the same time, larger centralized repositories of fingerprints and facial-recognition databases continue to be populated alongside these and are linked within the CCTNS database. Even as we grapple with the scale of predictive policing made possible by the CCTNS, a newer concern has arrived: the Interoperable Criminal Justice System (ICJS), which connects e-courts, e-prisons, forensics labs, and the CCTNS. The ICJS goes beyond simple interlinking of details of alleged offenders outside the police department. Not only does the infrastructure track an individual through the criminal justice system; it also records details of their associates and anyone else who interfaces with the criminal justice system, even incidentally. Much of this digitization is predicated on the faith that data analytics will be able to map "hotspots" and predict crime, thus helping reduce or control it. As we have shown above, Hyderabad serves as an excellent example of such interlinkages, and it illustrates the dangers of a common legitimizing assumption: namely, that the data upon which they

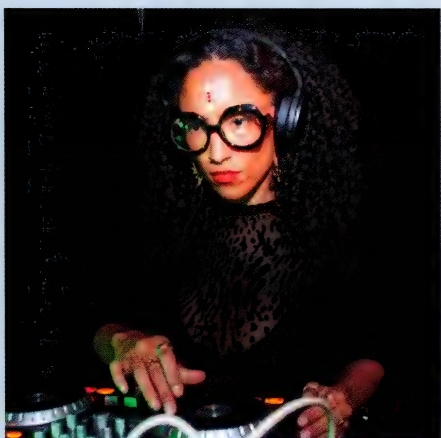
rely is collected and analyzed in a neutral manner. These perils are made clearer when we look at the process in which such data comes to enter large machine-learning systems in the first place.

Telangana is at the forefront of India's technological transformation of policing, but it has already spurred admirers and comparable systems in the country's other states. A nebulous legal framework around the use of technology for policing and data collection has contributed to the ubiquity of its use among criminalized communities, setting in motion the creation of a digital caste panopticon.⁴⁴

BUILDING A DIGITAL CASTE PANOPTICON

Digital data-aided policing enables the encoding of casteist carceral spatiality by delineating "criminal spaces," which are identified as hotspots and sites for predictive policing. The evolution of the carceral into the realm of the digital entrenches and obfuscates the legacies of carcerality through the myth of tech neutrality. By focusing on surveillance tied to biometric classification technology and its portents for casteist policing in India, we have demonstrated how carcerality is not simply confined to designated carceral institutions. Rather, techniques and technologies of confinement and surveillance seep out of "carceral" spaces into everyday domestic, street, and institutional spaces shaped by caste.⁴⁵ More importantly, as this piece has argued, historically and today, carcerality in India is synonymous with Brahminical caste order. Recognizing the link between the two will allow us to do the urgent work of accurately naming, unpacking, and challenging this everyday digitized criminalization for what it is: the building blocks of a digital caste panopticon. ♦

Blackness in the Fediverse



DClegg Photography

Mastodon, roughly summarized, is a decentralized, server-to-server microblogging platform that is built on an association of independent networks known as the fediverse. As Twitter continues to spectacularly flatline under Elon Musk's leadership, Mastodon has pushed itself to the fore as not just a viable alternative to traditional social media, but as an overall improvement of the experience, especially in terms of user control over privacy and content. But does this improvement carry over to the experience of Black fediverse users?

"[W]hen I graduated from art school, we were told that a social media presence was important to network and to be able to advertise our work," says Artist Marcia X, Puerto Rican-Peruvian American multidisciplinary artist and writer from Chicago, and one of the earliest moderators for PlayVicious, the first dedicated instance for Black and POC Mastodon users. They are also the creator of the #Fediblock hashtag, a tool that allows users and administrators to track bad actors across a digital space that has no centralized form of blocking.

While Mastodon and other fediverse services may hold promising alternatives to the algorithmic Musk-Meta hellscape we've been herded into, the structural oppressions of anti-Blackness, misogynoir, mestizaje, and queerphobia are able to thrive in all corners of the internet. "Stalkers and hate from some users made it incredibly difficult to find joy in the space," says Marcia. "It affects your relationships offline, too. It was that way on Tumblr, Twitter, and it's this way in the fediverse, too. I think the fediverse has more people of color on there, but I don't think the domination of white voices has ceased in any way. We volunteered to be voices but at a great cost."

RA'IL I'NASAH KIAM: What was the culture of PlayVicious, during its heyday? Most instances on Mastodon have a specific focus or a shared ethos among its users. What type of experience did you and your co-moderators curate, and how did y'all manage such a dynamic space? Because these kinds of digital communities don't just accidentally come together; it takes an active shepherding.

MARCIA X: It really just felt like a couple friends being cheeky in the lunchroom and then suddenly all the other cheeky kids wanted to join in on the fun, the more the merrier.

We were a group of people who had undeniable chemistry. that's it. Our formula worked as peers trying to maintain the safety of the instance for other users, and then in general with various subject matters. We were a diverse mix of people of color from different parts of the world, that collectively worked with empathy and also were laser-focused regarding bigotry and didn't suffer fools. We are smart, creative people. Artists, musicians, writers, and creatives with the capacity of being ridiculously goofy or having a hard conversation about intracommunal issues on feminism and globalization, or whatever we wanted to talk about.

I think PV created a space for people to totally be themselves and forgo any pressure to be one-dimensional on social media; that authenticity is infectious. Our mod team created the blueprint for how an instance should be run, I'll stand to that. Some other instances may disagree with me, but tough. We had an account that was announcements for PV and the local timeline about what we were doing as a mod team, [I] hadn't really seen that from other instances—it was mostly the admin's personal account that would do that.

We were a team and communicated together through the account. We made sure to chat regularly about issues that arise on the timeline and make sure people were being held accountable or had a space to ask questions about things they were unsure of.

We had some basic rules, but fundamentally it was to be yourself and don't be a bigot. And we held people up to this simple standard. Digital shepherding—very much so. And it was tough with the wolves circling around us, but the [fediverse] timeline now still remembers PV, and often the changes that were made were too little, too late, in terms of support. It is what it is, in that regard, but our impact is legacy there.

RA'IL: You joined PV as a user first, then you became a moderator. What prompted that process, and how did being a Mastodon mod compare to being just a Mastodon user? Was one experience easier to navigate than the other?

MARCIA: It was just a natural, organic flow from user to mod. I can remember when Ro [the founder of PlayVicious] made me mod, "you should have been one a long time ago anyways," or something like this. I cared a lot about PV, so it made sense to me, too, to become a mod and learn how to be more effective in helping the instance stay safe.

At the time I had no technical understanding of maintaining an instance, but I did know who to look out for and was constantly researching and poking around to see who we should avoid. Becoming a mod made it easier for me to do preemptive blocks because Ro trusted my judgment and I always delivered. At least at PV I could curate and care for myself and others, whereas on Instagram I am constantly dealing with spam, and

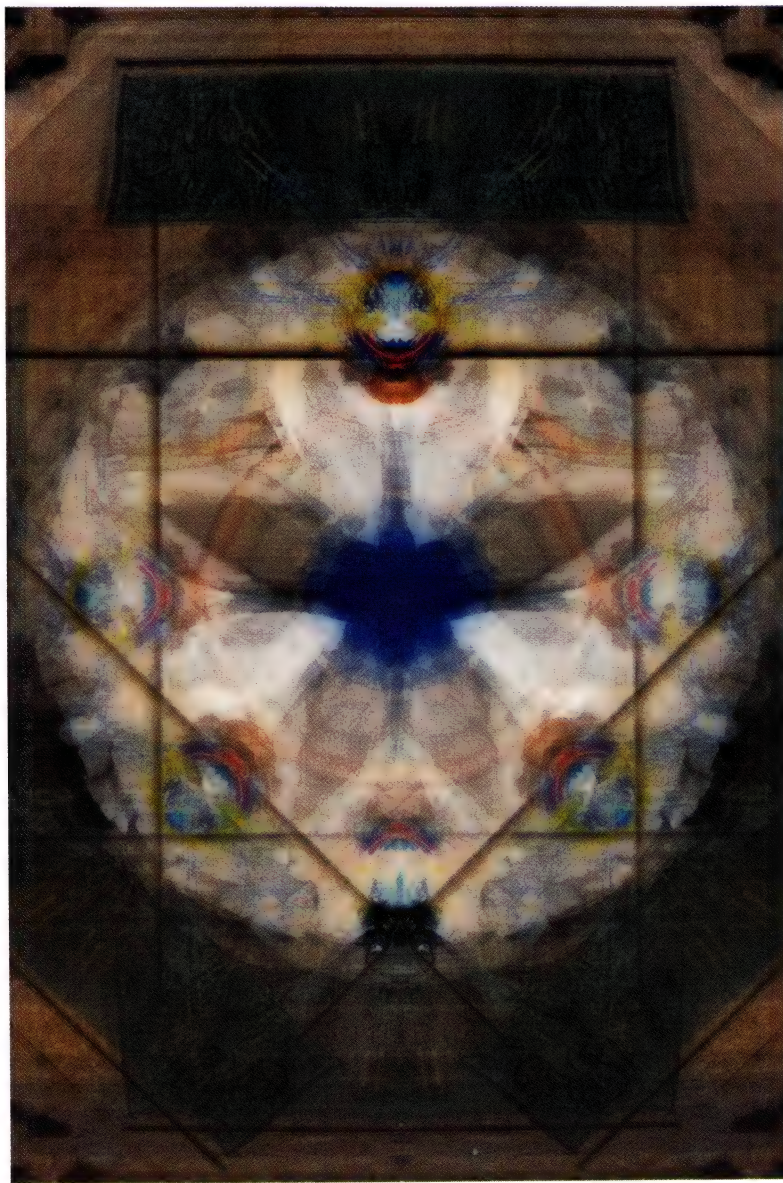
it never stops. Despite not being a technical user of the software, it's easier to navigate the fediverse if you're a mod because you have control in ways that you don't on other platforms where your safety concerns are up to the whims of a faceless company.

I don't code... so I was constantly asking questions about the code in order to address social dynamics; in other words, what tools do we have to keep PV users safe? For example, I talk about the failures of blocking in Ecosystems of Abuse, and how a lack of communication and understanding of the code we use in the fediverse creates really hostile environments for users.

RA'IL: Tell me about the #Fedi-block hashtag. I didn't even realize that you, specifically, had created it when I first joined Mastodon. That's how widespread it's become. What led to its creation, and how were you initially using it?

MARCIA: That started because a guy created a mastodon.social account and just started sexually harassing femmes with bigger accounts, and maybe not also necessarily bigger accounts, but visible femmes, if I remember correctly. A lot of people were complaining about it, but because of the way federation is, it was kind of janky, getting the info out on just this one particular guy. You'd block him, he'd get suspended, he'd start up again, and it was rinse and repeat, like, three or four times. It was ridiculous.

So, I just thought, *Man I wish there was a way to spotlight on this person so that anyone could, kind of figure it out.* So I said, *Right: #Fedi-block. I'm blocking this person. Harassers like this guy. I'm going to continue to put in this channel, so that people can follow, cause this is getting ridiculous. I shouldn't have to see all this kind of misogynistic garbage in my mentions all the time.*



Untitled, Fractal Quantum Sketches by Artist Marcia X

And I asked my friend to spread it to her channels to get the word out. We did, and it just took off from there.

#Fediblock became a really useful tool to put the spotlight on certain people doing certain kinds of -isms or -phobias, if you will. But then, its origin story got lost. It started as a tool made by queer femmes to put the spotlight on a sexual harasser. Then people started framing it as, "This is just a tool for mods and admins to use to spotlight bad behavior," which isn't totally incorrect.

One time, I made a post sharing something of mine, and I put

a list of the tags that I had started. A woman came into my mentions telling me that I was misusing the tag: "Don't dump in it to advertise for yourself. If you do, you will find yourself swiftly blocked by admins across the fediverse." And I was like, "Ma'am I'm the one who made the tag!" If you had even read my post you would have seen that I talk about how I'm the one who made the tag. I know what it's used for. So the tag itself has been used against me in personal ways, which is really frustrating.

It's also spurred projects using that specific name, without consultation about whether or not that's

appropriate to do, whether or not I think that tag and that tool should be used in this way. I think when you don't talk to the creator of something like this, and you start making your own side projects, it falls on me to take responsibility for the harm the other thing causes.

RA'IL: When you say "a lack of communication and understanding of the code we use in the fediverse creates really hostile environments for users," could you expand upon that? One thing I've noticed since joining Mastodon is how heavily weighted it is towards users who arrive with backgrounds in coding,

software engineering, et cetera, and how heavily this shapes the culture there. Was PV struggling with a similar dynamic?

MARCIA: For clarity, since Ro is a tech wizard, PV wasn't really experiencing "technical" troubles constantly. He had that taken care of. We were smooth sailing. However, when the anti-Blackness really ramped up from other instances, we didn't know that blocking on the fediverse (at that time) wasn't the kind of blocking we're used to experiencing on other platforms.

At that time, if I blocked a user, it would block their content from being visible to me, and I was used to my content being blocked from being visible to them. This was never made clear as a user or moderator, and this is how we found out how "blocked" users were able to squat on our timelines and mine our content, and then subtoot us about what we posted on our timelines, despite being "blocked." It wasn't until recently I learned about `authorized_fetch`, which means that I can enable a mutual block, but that is an opt-in, not a default, setting. It doesn't work across all versions of the software, so networks can get funky and broken.

RA'IL: I know this is a big question with a lot of moving parts, but talk to me about the whiteness of the fediverse as you've had to experience and navigate it, as both a user and moderator. More specifically, how do whiteness and its related projects of anti-Blackness, colorism, and mestizaje show up in the fediverse?

MARCIA: In terms of online spaces / social media, I wouldn't say it's anything different to what many of us women of color experienced on Tumblr in the early 2010s and that specific pocket of the blogosphere. That is to say, a

constant confrontation of white feminism and women of color not only addressing that and fighting against it, but also connecting with one another and growing our feminist politic together. There's always going to be conflict, and the fediverse was not that different.

What took me aback regarding the fediverse is that my networks were mostly "leftists" and self-proclaimed radical thinkers regarding race, ableism, gender, patriarchy, sexuality, et cetera, and yet what I was being exposed to was a lot of naiveté or hostility for questioning whiteness as a basis for many people's takes or approaches to these subject matters. And if I were to question or push back on their whiteness, I was often accused of being biased myself.

It became clear to me that there were many queer, radical leftists on the fediverse who had never taken the time to address race, whiteness, white supremacy in their politic, who hadn't done any kind of organizing or work outside of online community spaces, and hadn't engaged with the literature of Black and queer folks of color. I'm a teacher, so my natural reaction is to provide resources, perspective, and engage, and that kind of became my role in the space.

Regarding the overlap with anti-Blackness and mestizaje, I could write a whole book. "People don't get to question you" is a mantra that is set in stone amongst people there. So is protecting one's identity and privacy, and on the face of it, I don't disagree—the caveat being that someone can have a random avi [avatar], claim to be of a certain intersection, and it is frowned upon to question that. How do we protect communities from fraudsters and abuse if we can't ask questions when an issue comes up? Some of my Mastodon posts from the time reflect this concern:

"Ethnicity and race are not always one in the same. [Y]ou can be white and latine and uphold white supremacy because that's what the fuck got white people in Latin America in the first place. Who has the land there? Who has the money? The representation? It's not people like me."

"I can't believe I'm going to write this bc it feels like tumblr twitter all over again but ::deepbreath::Latine is not a race. Do not racialize Spanish [the language]. There are Latines that are Indigenous and don't speak a lick of Spanish. There are AfroLatines. There are white Latines. Being a white Latine doesn't erase Latinidad bc it is ethnic, it is C U L T U R A L & GEOGRAPHIC"

"And if anything, white Latine's are the face of Latinidad both in media, power, land ownership, wealth, etc etc. So don't go harping on who is Latine when you don't know what it is. The racialization of Latinidad is a massive issue within the US context, and there are a lot of complexities and issues as Latines W E need to work out. But outsiders that clearly know nothing? Mind ur business::throws a book at you::"

"From my own experience in general and my work/studies this is across the board of an issue w Hispanics/Latines in general. Hyperracialization just because of a border. It's a conflation of xenophobia and racism, when it's just xenophobia. People can use their whiteness to gain capital and access to spaces and class whilst simultaneously still be anti-Black and colorist against the black folk from their nations. its the

problem of latinidad. its white supremacy.”

RA’IL: Talk to me about being from Puerto Rico / the Caribbean and being on the fediverse. It seems to me that there’s a geographical bias in the fediverse, with most people from the Global North, and the majority of the Global South users appear to be white as well, or at least non-Black. How did this shape both your personal experience and the experience of running the PV instance?

MARCIA: Definitely the case for an overrepresentation of users from the Global North, and I am hoping to see this change. There are now users from Puerto Rico that have their own instance; same for users from Mexico and Chile. I want more of this, and putting an end to English as the dominant language across the fediverse. I think that for a long time I felt quite alone in being Caribbean / Latin American, second-generation. At the time of my first account on PV, there weren’t that many other folks with similar ethnic backgrounds.

In general, the space was very white, including white Latines. That made it easier for anti-Blackness and colorism to thrive, of course, but also for people to take advantage of other white folks’ ignorance on Latinidad and therefore paint the Black and Indigenous Latine folks as instigators and gatekeepers, which is always framed as something negative. It was easier for people to play a part, identity, or ethnic marker, and because the nature of the fediverse is to not ask questions, other people outside of PV didn’t.

The whiteness also meant that other people of color in general had a spotlight kind of forced on us, which wasn’t comfortable. It made us targets, you were going to stand out in the proverbial crowd.

It became difficult to protect ourselves from trolls, and it meant that I started to be on the timeline less and less because of the stress. Also, when the account got a lot of followers, I had people squatting on my timeline, screenshotting my locked posts and sharing them on other platforms. It became unmanageable.

RA’IL: Yeah, that spotlight you’re talking about, that’s that anti-Black hypervisibility. I’d love to hear your thoughts on the persistence of hypervisibility across the internet, and whether there’s any social media formation at all that could combat it, to whatever degree. We can’t code our way out of racism, but are there any tools out there currently that can make our online lives as Black folks a little bit less of a hypervisible hell?

MARCIA: I don’t know. What’s great about fediverse is that the options are growing, new software is being developed, and some of these offer a lot of control over visibility, so you can choose how large you want your network to be. But really, aside

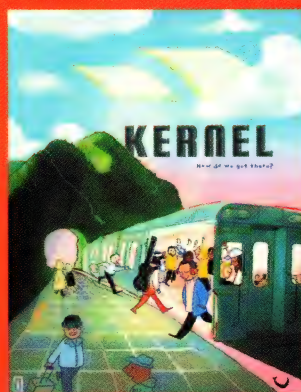
from this, I don’t know if I have an answer. I have run out of faith in social media at this point and use it like I’m an ornery old man.

RA’IL: What do you think about the legacy of PlayVicious, or, more specifically, how do you want it to be remembered?

MARCIA: For one, I don’t want PV to be forgotten. #PVRecuerda!!! (Only the real ones will know). I feel strong, positive emotions about PV at the end of the day. What a vibe, what a time.

We had the most dynamic space the fediverse has seen (I stand by that still to this day). The chemistry was perfect and we had some really amazing moments there. From long, difficult conversations regarding society to just having fun with movies and food, that instance, those years there, really brought out my creativity and how I can engage and socialize with other people.

We were targeted, we were endlessly harassed, but those things won’t shadow the positives of PV. ♦



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Poems

Shivangi Mariam Raj

rubble is home spelled backwards, collage by Shivangi Mariam Raj, 2023.

In Plain Sight

No matter what I do, it always begins
in sleep: a ceramic poplar convulsing under clouds,
betraying all its leaves that fall over the same question again and
again, this twilight tremble of dreaming.

Forty-seven streets bent like my mother's laughter, of marigold
eleven gardens, I count cleaving of the moon, two thousand and
twenty killed. I hold

my breath as an offering, I hold
a globe in my palms and press my fingers onto your name, I
spin it, gentle, unyielding, until every border blurs into another.
Badaun brushes against the cheek of Jaffa—all history prancing
giddy.

Along the horizon, a man turns into an hourglass
in wait, emptying time, licking every grain of sand.

Birds plummet into an alchemy of clouds and consonants,
each branch curls into scaffolding to hold the sky
from falling, his tongue mists into silence.

In the archipelago of rubble, what remains moving is impatience
of bulldozer jaws hungry for more life. Squirming through the
veins of dust, each thing chants its elegy, aching for the touch
of careful hands that once arranged them inside rooms.

Only grass survives to lift its head up, to still pronounce home.

My city is a blue sweater that an old woman has not stopped
knitting since her first winter. She begins anywhere she likes:
between the screeching of buses; inside the reek of hospital
corridors. Crowds of streets pass under her fingers, a quarrel
limps through her yarns, where horns and hawkers grow, the
lichen of hours swelling green into needles, spat on by her regrets.
She knits roofs of soot and the chamber for fugitives to keep their
heart.

The night's ear grows
thick with blood and stone,
calls us in to descend
into its wheatfield labyrinth,
stars exploding into whispers,
we march into its listening.

We sit inside the armpit of childhood proverbs closing in on us
like a warning.

"How long will it take?" I had asked my mother on summer's
balcony as she pulled my curiosity into braids. I was bored and she
was teaching me profanities as a method of survival.

"How long will it take?" Yesterday demanded as it left
the door half-open to come again, coughing. At the checkpoint of
midnight, death enters everything unbidden.

“How long will it take?” The soldier repeats while reloading his rifle, his exhaustion echoing in the eyes of children cowering behind the butcher’s shop—each knee folded for an answer from god. There is a house burning, there is him carrying its embers as mnemonics of a sigh. Marble repose of a statue looking at the city with odd disbelief, as if it never knew this could happen too. In the hair of fire, I rush with my palms stunned with water, so wet, my fate swayed. There is him, roof to roof, catching each burning, tracing the constellation of a wound. Houses grow bigger each time a person is missing: they make room for absence. How hard to become a fossil of sensations and call it heaven. My city is a word that Sappho wept because she could not say it. Quaffing dewdrop after dewdrop, it grows windows, under whose toes all our dead are born into a rose and their evidence. There is no better mirror than a dagger, stabbing everything in its shape. In this word sits my blind neighbour lifting the curtain again, restless to check if it is still raining, if shrouds will melt into her sons. Eternity is a lie that prophets invented. When a city is razed it takes away with it the afternoons haggling over the price of a cucumber; the tailor trying to confess his love; the queue of donkeys teaching patience to a scalding road; centipedes from earth’s ribs humming on our skin their ancient complaint; takes the muezzin who stutters his way into prayers; blue fingers of the old woman; the little boy dancing on a broom; dying, it takes with it all its songs and its lanes of cables wilted into notations. I gather shards of ceramic washed under my scream and forgive all the temples of law, all the graveyards, all the torture centres, mouths of all the gallows, all the ammunition, finally. How could I forget that it is so simple to kill a city: all it takes is an obedient head nodding.

Instructions for a Shadowsmith

Waves coil in a cobalt alarm. The sea goes on muffling every howling of the seeds. Do not let that stop you from holding yourself still, crouched on one knee, fingers stretched enough to slice the breeze. In this craft, your ear is your only reliable tool. For when a shadow approaches, it first coagulates the air surrounding it and the trees begin to snore like your father after long hours at the factory. Stay put. Hold. You will know the time is right when the sound of the silhouette begins taking shape in your ear until it drums. Twist your ear once, if you want to be sure. Now, pull your body back a little and pounce. Now, with the precision of pliers, shove the shadow into your jar. It will feel as if the waves have suddenly been wrung out and are running after you like a scandal. Now, endure.

You have no friends—you must learn to fall on everything with the indifference of rain. Shadow precedes presence. Shadow, our nights growing towards our echo and its negation, shadow, the girl your mother was before she was your mother, shadow, the cloth on the hangman's face. People go by, shadows remain, panting behind them.

Wait for two hours and a song. Empty the jar on your table. Then, slit the shadow open with the eager edge of the knife. Repeat until klgshhhh—all its mist is leached away. Use your tobacco thumb. Hurry up! The belly of the boat is wincing and on your knife depends the mercy of a coincidence. Klgshhhh, sometimes you may find it difficult to move your hands around the shadow, even harder to assign touch to its periphery. Continue to cut as per measure. The part where light strokes the shadow's hair slips the fastest. You risk dissolving it into the salt of the moment if you move your fingers with too much hope. It will feel as if you are gesturing in the dark, calling for help. Ignore. On certain dusks, shadows are malleable and durable at once. Dim the bulb further and proceed to make of your mouth a forge. Heat the shadow with the translucence of your breaths. Keep pressing it with your fingers. Bend it against its penumbra. You do not need screws or rivets, all shadows turn obedient under a thicket of tenderness. Fasten its parts together in the shape of a wild tulip.

Chisel until it is prepared to strike back.

Careful, finish your task because the world is yet to wake up and there await strangers and trespassers flecked against an impossibility, these wayward passengers on the boat. Make something of this trembling. Make out of the shadow oars which strike the sea.

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*memories of the search for a thing
that maybe never was*

Kalundi Serumaga

(UN)BURIAL CEREMONIES

A shooting star rarely gets seen by two people at once because by the time one tries to show it to a companion, it has gone. That's why it is called "Ki-bonoomu" in the language of the Baganda, people in Uganda, of whom I am one. It literally means, "seen by one."

*"What you witness alone kills your ability to recount it."
— a Luganda proverb*

I ONCE SAW A VAST COLLECTION of films about the Baganda featured within an archive of African state broadcasts in the early 1990s. I may be the only Muganda, and possibly Ugandan, to have seen it all. Nothing about any of this was normal. It all began with a man's second funeral in 1993, I watched his remains being exhumed from a bleak Nairobi cemetery and accompanied them on the flight back to Uganda where eventually, the man was reinterred at the feet of his own father.

His first funeral had been held in exile by his then comrades still standing, in 1980, in a public cemetery where noncitizens were accorded eleven years before it could be given to another dead noncitizen. Taking the remains of an assassinated leader of armed resistance home while the country was still being ruled by the very government he had been fighting, was clearly not an option then. But six years and two other wars later, a new government was in power. And the pressure to beat the stranger cemetery deadline saw political pressure mount.

He came from that generation of what I call "the shocked"—the ones for whom the hopes that came with Uganda's independence in 1962 were dashed just four years later with the advent of a "modernist" regime that, like many on the continent, saw indigenous self-determination as a diversion from building a modern nation. A Ugandan filmmaker—whose raw cuts ended up in that unexpected collection—became a leading proponent of a type

of experimental African theatre before transforming into a leader of an armed resistance movement. He was then assassinated. Whatever others may say about this, the Nairobi hospital in which he spent his final days was well known to Western intelligence agencies. The connection is completely plausible.

Buganda is located at one source of the Nile. This location made her the focus of the original colonial conquest. Like some of her neighbors, the kingdom of Buganda, now locked into the wider Uganda colony, found itself still existing through and after the colonial experiment. The modernist African nationalism sweeping the continent in the 1960s was never going to accept this.

Just as Ghana's Nkrumah had been hostile to the indigenous Ashanti kingdoms, and Nyerere had outright banned ethnic identity, language and institutions in Tanzania, and Kenneth Kaunda had abolished the Barotse Kingdom's autonomy within Zambia, and Siad Barre banned Somali clan membership; their Uganda counterpart Milton Obote matched their "Pan-Africanist" fervor here and militarily crushed Buganda, then banned everyone else.

His second funeral marked the end of my life in exile, which had begun at fourteen years old in 1977, and drew me into this vast collection of films in my thirties as part of my homecoming. There is nothing exceptional about these sequence of events, they are emblematic of what generations of Baganda experienced. The man was my father.

PRESERVATION PREDICAMENTS

In line with custom, I was now able to have a more equal relationship with former friends and colleagues of my late father, one of whom had been a long time radio and TV producer at the state (and then only) broadcaster. I told him of my

interest in archives. He took me to a colleague at the state television headquarters.

"You won't find any here," the colleague said. "Most of the material accumulated in the first Obote government was destroyed by the Amin people when they came in, and when Amin went, and Obote came back, his people destroyed the Amin stuff."

He then casually wondered if the old film processing center they used to use in London was still existent, and what leftovers they may have kept after processing.

This is how I came to find the collection when I returned to London to begin a long process of winding my affairs of a life lived mainly in exile: a whole floor of properly labeled and shelved chemical film and magnetic audiotape in a quiet office building in west central London. This was The Overseas Film and Television Centre (OFTVC). The films had more or less been forgotten there. They contained images, and accompanying soundtracks, from virtually every African country that had at one point been part of Britain's African empire. This had been the output of a state-controlled media. First by the colonial authorities, and then later by their various (almost inevitably) newly minted post-independence autocratic regimes. So it had become a *de facto* archive, in all but name and arrangement.

I found the Centre being managed by a most helpful and good-natured gentleman called Anthony Muscat, who had simply ended up as the last remaining member of staff. At that time, he was thinking about life after retirement. But he was trapped by this history. Morally, he felt that he could not sell the company off, because it and the films were not his. He could not send them back because the putative owners (the African state broadcasters) seemed

uninterested. They had certainly shown no interest from the time they started using video. Furthermore (and as a result) the actual skillset and equipment for the storage, handling and use of chemical based film was no longer available in those countries.

He could not trade them in because the main consumers of historical material—documentary film producers and the broadcasters that often commissioned them—used videotape too, and so needed material that had already been transferred to videotape. This meant that for OFTVC to become a working archive it would have to invest in the technology to make such conversions (which was still quite expensive and not entirely satisfactory in its results) and there were faster archives for the Western media, selling a one-time use right for just a few minutes of footage for hundreds of pounds. Therefore, this potentially lucrative way out was not immediately practical.

This left the Centre in a state of limbo.

OVERLOOKED

Ugandans have a long history of being organized by our enemies. The very existence of the British-created Ugandan state is testament. At independence, nearly every major political party voiced an imperialist interest, a factor that holds true even today. It begins with education, wherein the local representatives of the two main Western European churches—that moreover, actively participated in the colonial conquest—hold the vast bulk of the schools intake in the country.

Our actual history is a secret held from us. We take the resultant confusion, prejudice, and cynicism as valuable knowledge, and remain secretly anxious about our authentic pasts. This is what had inspired me, after a decade as a political organizer, to become a storyteller,

researching our cultures, our pasts and telling the other side of the colonial conquest.

I was already grounded in the means to do this. I had been a researcher, even doing intelligence gathering for my then party (if you wish to know how to tap and record a telephone landline, I am your man). I became a certified video based filmmaker after having spent my early teens immersed in the immersive avant-garde theater developed and directed by my father.

It was his work, extending the logic of art to politics, that had contributed to us ending up in exile as a family, and to lead eventually to his assassination there. In fact, my first experience with film was when I was roped in as a small child to act in a speaking part for a television advert that he directed (but was never aired).

A West African saying asks: *why spend so much effort trying to see what is behind your ear, when all along what you are looking for is right under your nose?*

I had spent close to a decade in Britain by this time, imagining that what I needed was located far away in Uganda, when all along, it was in the same city as me. I enrolled as a film and video student at a small college, to prepare myself for this work, and my eventual full return home. And in that time, I came to know the Centre very well.

I tried to save the collection for Africans. This is the story about how I failed, why it matters, and what I do to manage all the images in my head that only I have ever seen in one place. This is a story about how these memories have been run after, over three decades as they migrated across four phases of moving-image technology in as many decades.

OVER TIME

A central theme of my course was asking the question of “if and how the technology of moving imag-

es”—as it then was—“could be liberated from the then financial and technological tyranny of the big studios and broadcasters and the corporations and/or states that controlled them?” Many independent practitioners shared experiences. The first challenge then was production, and the second was distribution.

Optimization and efficiency have driven the capacity to store images in infinitely less space, where they are altered using less equipment than ever before and as a result, time has been telescoped.

Wider distribution networks, along with greater access to editing tools and production knowledge, could have gone a long way in remedying historically structured production inequality. Instead the effect has been for greater emphasis to be placed on using up the recovered time, space, and skills deficit in an exploration of extraneous opportunities in neo-European special effects and camerawork. The great irony now is that we have moved from a situation of limited technical means to tell all the stories we have, to one of a plethora of available technical means but far fewer stories to now tell. This is because there has been no parallel development of access to records in the intervening period. Records are the well from which storytellers draw their raw material.

Film thrives on the archive, but our practice does not draw on our cultural history as it ought to, in contrast to film cultures in other parts of the world that naturally draw on theirs. Memory is important as a building block of identity. So it has to be preserved. But memory is not neutral. There is probably no such thing as a neutral image, because all images are a choice, but the archive can help keep memory honest. So, despite its creation largely within the confines of the colonially created spaces, which

includes the postcolonial, the collection was potentially extremely useful: there were interstices that were a lot broader than we might initially imagine them to have been. Stories could be recovered from there.

Such limitations declined through the migration over analogue magnetic videotape (1970s) and then a precursory, or anticipatory, foray into computer-controlled analogue video editing (1980s) before migrating fully to native digital video (early 2000s), first as a digital signal recorded onto magnetic tape, before leaving tape altogether. It is actually the fully digital, post-tape format—let’s call it Solid-State (SSD: basically flash drive technology made more capacious)—that offers the full possibility of exponential exploration and techno-creative growth.

Most film is a series of still images played back at twenty-five images a second because this is the optimum speed at which the eye will trick the brain into merging them into movement, because the brain retains any image for a few moments longer than the eye has seen it.

Early film left us independents out because of how expensive it was to produce and store as well as how much time and skill it required. Reel film is measured in feet. One hundred feet of 16mm film will run for barely three minutes when played at twenty-five frames per second. It also came with a bulkiness of equipment, necessitating large crews, more transport facilities, bigger storage facilities, and greater physical strength and able-bodiedness. In the mid-1990s, a can of 100 ft film would cost about £50. That was expensive then, and would be expensive now.

Until the invention of the camcorder, videotape was nearly as bulky. Critical differences were that video recording combined sound and image to one storage point, un-

like with professional film, where the sound recording was separate. Also, with the shift to storing images as a convertible electromagnetic signal pattern, we finally had instant playback.

But tape lacked the relative permanence of film; the signal faded over time and each time it was copied. This in turn fueled two decades of a format arms race, whereby corporations jockeyed for their particular type of videotape to become the industry standard. Production houses allocated resources away from skills development, content research, and original production, and towards strictly keeping the most up-to-date format possible.

Computers were originally brought in in a bid to get around “the fade problem” by systematizing the editing process and presumably making it quicker and more accurate. This would all be swept away once tapes were made to hold a digital magnetic signal, and then replaced altogether with digital drives. We supposedly do not need anything now: just a cloud and a device. But now that everyone can shoot and many can edit, and the Internet also means that everyone can broadcast, who is doing the storing?

OVER-SEEN: PITFALLS OF THE DIGITAL UNIVERSE

This brings us back, in a new way, to the challenge the OFTVC came to represent: where does all the material posted on television, social media go, when it is not on-air? Who is looking after it? How much of it will be replayable, say, twenty years from now, if some historian wished to see it?

Any African seriously concerned with historical knowledge will know this question. It is the story of the fragmented, pay- and visa-walled, miscaptioned, diffuse and white-curated records of their last 200 to 2000 years.

The historian Cheikh Anta Diop told the story of a class he was part of at the beginning of his studies in Egyptology. There was just him, and a white European lady working on deciphering hieroglyphics. Each student was required to take a turn demonstrating their latest interpretation on the blackboard. Diop recounted how his classmate, as soon as the lecturer had seen and noted her each letter, would immediately erase in a bid to not to let him see the whole sentence.

OVER HERE, OVER THERE

You can either not exist, or exist only in the way others want you to, or exist as you want to.

The first condition is called genocide. The second is colonialism. The third is the struggle for self-determination. It's all in the mind at first. The mind builds its decision from the memories it holds on behalf of its owner and records—including the question of who gets to make, keep and display them—in turn becomes a critical part of that.

Muscat and the Centre were being defeated because the technology had not yet caught up with their trove of material, and by time it did, a whole new ecosystem of storage left the images still out of our reach. They were at once too far ahead and too far behind.

I began by making the collection part of my course research. I documented the entire Uganda section of the collection into an archive-friendly format. Muscat was most obliging. He and I were usually the only two persons in the space for days on end.

My idea was to create a vehicle that could secure the entire collection intact while making it an accessible resource especially for Africans, but in such a way that Muscat's concerns about the viability of his retirement were also addressed. Seeing as neither of us had

any financial resources, we needed to first find other kinds of support.

I invented an organization and gave it the name Africa Documentary Film Trust. I then developed a small brief, and used it to communicate to the offices of British public figures that may have some connection to Uganda.

I then sought to raise money. We recognized that perhaps an organization with charity status would be the best idea in the long term. But these take a while to set up given their legal requirements. Given the pressure Muscat said he was facing, not least from the landlord wishing to know if the lease was to be renewed, and on what new fiscal terms; we agreed that this could take too long to set up, let alone attract funds.

I collected letter support to the “Trust” from a few public figures, and then tried to find a lender willing to lend us money against the collection as collateral.

The long and the short of it was that none of this worked.

OVER?

The Centre eventually closed. I had reported my efforts back to Tony Muscat, and then after my course, I left London for Uganda for good.

In the ensuing rather difficult years as a freelance documentary filmmaker, much of the time I cursed not being able to bring what I had seen with my own eyes, to whatever it was I was working on. The industry then was at the mercy of donor funding, and therefore donor themes. The documentary practice that emerged made little or no reference to the past. And where it did, there was very little archive material to back it up.

In my subsequent four years as Director of the Uganda National Cultural Centre, I did try again to trace the collection. By then it was reportedly partially or wholly in the custody of three separate UK institutes.



Nobody seemed to know for sure.

But now, over the last three or so years, with the ongoing digitization of everything into the cloud, I have begun to recognise snippets from my logging some thirty years before popping up on social media. A good visual editor (and I was a particularly talented one in analogue) can recognize a clip of footage almost instantly, no matter how long it has been since they saw it last.

Finally, I have come face-to-face with my fears: that if the collection did not become simply scattered and lost, then there would be a land grab by some big corporation, making it pay- and visa-walled for good; and that bad white historians would become the primary gatekeepers.

Of the bits and pieces, often mute, that keep on popping up on East African timelines, the most avid suppliers are two white gentlemen: one called Derek Peterson, and focused largely on Kenyan footage with occasional forays into (western) Uganda. The other, one Jonathon Earle, has established himself as a “Uganda expert” at one British university and specializes on Uganda, but with a very great emphasis on Buganda.

In general terms, their output generously shares whatever they find. And it is not confined to the former OFTV records. However, their work suffers from first a sort of Social Darwinist perspective; that Western intellectual legacy in which the colonial experience was present as in neutral or even beneficial terms. This arose from the appropriation of Darwin’s theories of evolution, which were then applied to the human experience to suggest that certain humans (the Western colonizers) were more advanced than others (those they colonized).

A second problem with their work is “topic nomadism” in which events, epochs, personalities and

places are brought up in an eclectic manner. I believe this to be due to desire to be “the expert” on all aspects of the history, and also a resistance to the reality and implications of a coherent African-oriented narrative of the same items. The result is a very uneven visual and book output.

Nevertheless, it enabled me to trace the origins of the footage. There now seem to be either a divided collection, or one shared by the UK School of Oriental and African Studies, and The Associated Press who seem to have bought the collection outright. But what did they get, the whole thing? What happened to the actual reels of film after digitization: were they sent back, or somewhere else, or are they stored with the current owner? Were the more fragile and brittle lengths of film among them also preserved? What about the separate soundtrack? Why, when an uncredited still from one of my

father’s films appeared on Twitter, was the image (originally shot on 16mm film and then blown up to 35mm in print, and shot with a panoramic lens) squeezed into a box and discolored?

I. DON’T. KNOW.

When I had watched that film in particular, which he narrated, it was the first time I was hearing his voice in about fifteen years. This was the one film Tony Muscat could not let me have, as it belonged to neither of us. And there simply were no means to copy it to video.

As Harold Melvin & the Blue Notes sang, *I had it in my hand, and then I lost it.*

I am still involved in archiving projects: creating and moving aural and paper records first, on to a digital platform.

When I am done with that, maybe I shall return to this.

But until then, I am still “seeing” alone. ♦

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Cheats and Sneaks



Marina Kittaka is a multidisciplinary artist based in the Twin Cities, working mainly in video games with her creative partner Melos Han Tani as indie game studio Analgesic Productions. They've worked together for over a decade making surreal adventure games with a particular blend of analysis, music, and art creating a strong atmosphere. Marina is also the author of the 2020 essay "Divest from the Video Games Industry."

We talked about disrupting the cultural dominance of AAA games, how specific tools can shape creative subcultures, and how research into animal weaponry is shaping Analgesic's newest game, Angeline Era.



Screenshot from *Anodyne 2*

CLAIRE: How did you get into video game development initially?

MARINA: When I first got access to the Internet, my older brother and I were always into video games and were always trying to find more and more games. And since we could only buy a mainstream game every once in a while, we found that there were these free games on the Internet. And a lot of the time they were tied to hobbyist developer communities and game making engines. If you wanted more games, you just played ones that other people were making themselves.

In terms of a professional outlet, that really came together when I was put in contact with Melos by a mutual friend. We worked on our first game *Anodyne* mainly for fun, thinking we might get a little ad revenue, but we got lucky and it did surprisingly well – so we were able to continue making games from there.

CLAIRE: You mentioned growing up and playing a lot of mainstream games because that was what it was accessible to you, but also discovering this world of more DIY and hobbyist game makers online. How do you understand your own work as a game dev or relation to those experiences?

MARINA: Over the course of my life, games, even games that would more or less be considered AAA have changed so much. The degree of technological shift is so extreme; something that Melos and I think about is how one of our favorite games as kids that was influential to us was *Legend of Zelda: Link's Awakening*. That game, and a lot of Gameboy games, had relatively small teams in ways that could be comparable to what we might consider an indie game now.

In terms of how we situate ourselves, it's really hard for me to

have that perspective on my own work. I rarely see another game and think, *Oh, that's working in the same scale or the same realm as my work*. I definitely do know a lot of game creators who are doing interesting things, but most are not getting a lot of money for that. Then there are other indie studios who have been putting out games for a longer time, but they often read to my perception as more official, more business-like.

CLAIRE: Another question I have is around making this kind of work sustainable for oneself financially, as most people who I know who make small games are doing it for free, or for a few dollars here and there. What is your experience with getting the time and resources to make these games and live your life?

MARINA: I've had part time service jobs for stretches of several months



Screenshot from Sefhonic.

a couple of times over the past decade or so; there's definitely a pressure there. We've been able to get this far and not have to have a lot of other jobs by releasing fairly frequently, and just keeping our budgets very low. We haven't really been able to contract out, have external studio space or anything along those lines. We both have support structures, in terms of family and friends, who contribute in large and small ways. More recently we've been turning towards looking for some outside funding, and we've gotten grants occasionally, including from the Game Devs of Color Expo.

CLAIRE: What does your “tech stack” look like? Both high and low tech, what tools do you use to make your games and your art more broadly?

MARINA: I spend most of my time in Photoshop and Blender, and

writing documents in Google Docs. We're using Unity for our current game and our past few games. I've also been using Blast FX, which is a program to make particle effects.

CLAIRE: Are there any other tools that you want to shout out?

MARINA: Let me look at itch.io real quick. I think Electric Zine Maker is a really cool tool! And there's this site, kool.tools by this creator named Candle. Candle makes a lot of little tools and also has done a lot of Bitsy community related stuff. Using older software is also interesting. I've been seeing some people using Bryce3D lately.

CLAIRE: What is that?

MARINA: It's an old 3D rendering software, used to make what you think of when you think of the computer-generated nineties rave posters or the Trapper Keeper aesthetic. It's definitely interesting

when people use older software. So much of 3D art in games is deciding how much and where to fake information. There are so many different places to decide what happens when. I love to think about how the tools that exist can spawn whole subcultures, can be so tied into the life of subcultures and how they interact.

CLAIRE: Yes! These days, are you very much of a gamer yourself? And how has making games full time changed your relationship to playing video games and to other forms of play?

MARINA: I definitely don't play games as much these days. Part of it is struggling to find stuff that I'm interested in. And part of it is that gaming overlaps with the activities that would cause or worsen repetitive strain injuries. I just need to do anything else besides computer or controller type stuff. So I have been

more into reading and movies and going for walks and swimming!

I would like to have maybe a more healthy relationship with playing games. Sometimes I get into a game and then play it a little too much and it kind of consumes my mind. And then I go back to not playing games for a while.

CLAIRE: Yeah, that's so real, both with getting consumed and with regard to the physical toll of being a game dev and being on the computer a lot. Are there any influences from books, or other non-game media, that have been really important to your games?

MARINA: We announced our next game recently, *Angeline Era*, which I've been doing a lot of research for. This next game is set in this alternate history of the 1950s, and the main character is a Japanese-American of my grandparents' generation, who were *Nisei*. This character goes to an Ireland-inspired fantasy land, and there's these conflicts between these different kinds of ways of idealizing a potential past versus a potential future. And so I've been doing research recently about early Christianity and the apocrypha, and also Japanese-American history. A lot of it won't get fully expressed in the game, because the story will be in some ways a bit minimalist, but hopefully there's a certain kind of richness there.

One book I've been reading, *Animal Weapons* by Douglas Emlen, has been really shaping my thinking. It's about big animal weapons, like horns and claws and fangs – the circumstances under which those develop – and he relates that a little bit to human arms races. I don't really get the vibe necessarily that I would be on the same page with this guy politically, but it has been shaping my thinking on some issues. For example, if there is some resource that can be defend-

"When we take a step back, we can see that as humans, as players of games, that there are all kinds of different reasons why we might be interested in playing a game and that none of those actually have to do with how many polygons there are."

ed, that leads to sort of like a classically "fair fight," or one on one duel between two creatures and the winner will get to reproduce or something along those lines, then that can set off an arms race where their weapon just keeps getting bigger and bigger and bigger and they keep devoting more of their body's energy resources to that at the expense of like other things. Something that can cause the arms race to end is either just getting so big that they can no longer just be alive, do the rest of their bodily functions, or a chaotic fight when there's a lot of different creatures involved in a free-for-all. Then it's no longer a fair fight between two and then the fight can go in a lot of different ways.

Or what this author calls "cheats and sneaks." So there are these tunnels that dung beetles can defend against other beetles coming in to mate with their dung beetle mate. But sometimes small dung beetles that could never win a fight tunnel in from the side and sneak in and mate and try to run away really quickly.

There's a lot of ways that I've been thinking about this, both in terms of the themes of *Angeline Era* and then in terms of the games industry and how when you *do* make a game for cheap that people like, that is this kind of existential threat to the fundamental terms of the arms race. There's a very clear technological arms race with the games industry—there are huge, big budget projects that are really clunky and slow, but can still succeed within a sort of "fair fight" mentality. That arms race is still alive and well, though it seems to be maybe at a tipping point currently.

Although it's not the same as the evolutionary biological model of creatures, you see how it could present this existential threat to the whole idea of what the really big budget games are doing fundamentally, and that if that were ever allowed to go too far, that it would potentially break apart the whole incentive structures of the system. I was reflecting on why the big games sites had a brief wave of covering random indie games



From Angeline Era, forthcoming.

around 2012, but then it felt like there was a lockdown where they just stopped and only covered them if it's something that has already gotten really huge and become a kind of exception proving the rule.

CLAIRE: Right. Can you say a bit more about how a game that doesn't really follow those technological rules becoming really popular would threaten the incentives of the video game industry, especially for people who haven't really thought about what those incentives even are?

MARINA: Yeah! There's been this rapid growth over the relatively brief existence of a video games industry. And a lot of that relates to this braiding together of the artistic possibilities of what video games can be with the idea that games, and everything that you can experience, just get better and better the more advanced the technology is.

People are banking on this narrative that allows a lot of money to flow into the industry and to create more and more expensive games with more and more complicated

rendering techniques. To relate it back to the animal weapons arms race, because the games that are expensive have these big budgets, they're able to spend inordinately on marketing as well, and they're able to dominate the conversation. That further encourages this feedback loop where having the biggest budget, spending the most money, and ostentatiously appearing as the most expensive thing can allow you to continue to be the most expensive thing and to make the most money.

When we take a step back, we can see that as humans, as players

of games, that there are all kinds of different reasons why we might be interested in playing a game and that none of those actually have to do with how many polygons there are. It can be jarring if we're so used to the narrative of, *of course everything is just going to be better and better the bigger and more expensive it is*. Then you can start to realize and notice that like, *oh, like I could just make something myself, or I could just play something that some random person made and I might have a really meaningful experience with that*.

And if enough people realized that, then it would disincentivize the whole structure, where it would no longer be guaranteed that spending the most money would actually lead to the best outcome commercially. That's why I do think that there's more of an incentive than one might realize in the abstract for the broadness of games to be recognized in the general public. That's why I feel dissatisfied with the rhetoric that, *We can have both! The biggest Call of Duty game can coexist with all these random indie games...* The huge amounts of money that flow, that all could fundamentally change if the perception of the industry from the audience changed. And so the indie games, everything else besides the biggest AAA games, have to be narratively kept in their place as a small side thing.

CLAIRE: Thank you! That was a really good summary for people who are newer to these ideas and to indie video games.

A lot of the *Analgesic* games are aimed at being accessible and not alienating people on a "skill" level while also being really complex narratively and thematically. Often they follow an arc of following contradictions or dissonances until the normative regime of the game unravels, like in *Anodyne 2*, for

example, and thinking about how queer relation and care lead to a lot of those new revelations or discoveries or imaginings. And your games also really take up questions of ecology and more mutual or reciprocal human relations with non-human life. Who do you see your games being for?

MARINA: Beyond what is obvious about climate change and in terms of capitalism and the arms race of corporations being a destructive force for, you know, the long-term health of humanity and other living things and the Earth in general... When I do think about ecological themes in my work, a lot of the time it is a metaphor, and not in the sense that the reality of the ecology is irrelevant. But there's some resonance between how we think about and manage our personal relationships and humanity's relationship to the earth and the mysterious ways that those things are tied into each other - that just feels like the baseline space to begin asking questions.

On an active level, I don't really picture an audience while I'm working. But when I see certain work that embodies an unexpected confidence or where the creator seems kind of mad with power, even though they don't have institutional power, they're just making something and building out the entire logic of its mechanical worlds... I feel awakened on some level. And I do hope that other people who are interested in being creative experience that with my work as well.

Something I've written about is how it's easy to make this false dichotomy between professional, snobby, over-specialized, and corporate on the one hand, and then outsider, raw, approachable, and populist on the other. Critical frameworks for understanding what's good about outsider works

are relatively underdeveloped. There are ghosts of understanding when I play certain work that inspires me. But my critical apparatus for understanding what makes it good is underdeveloped. And that's a very fruitful place to be.

When I make work, I do get a little stuck sometimes. Looking at the tutorials, what is easiest to find will normalize you into the ways of determining quality that are most mainstream. It's a constant internal struggle that I have as an artist to be like, how do you get better without becoming in some ways worse? Just because the ways that we understand getting better are boring to me, but also, not always boring. It's complicated.

CLAIRE: Definitely. On that note, are there any indie games or makers that you want to shout out?

MARINA: Yes! There's a game I like called *Cataphract OI* by Sraeka-Lillian. *Cataphract OI* is part of a series of experimental RPGs and Sraeka is someone who thinks very deeply about the details of why classical JRPGs work. And then because of that depth of thought is able to do things that are very specific and very interesting. I really appreciate it when people—whenever anyone's kind of thinking very closely and deeply about something that is sort of oddly specific to them.

Some books that were really influential on my games are *The Race Card: From Gaming Technologies to Model Minorities* by Tara Fickle, and *Open World Empire: Race, Erotics, and the Global Rise of Video Games* by Chris Patterson. Those books are doing really interesting work at the intersection of Asian-American and game studies. And I am really looking forward to this game by Chris [Patterson], also known as Kawika Guillermo, that is a visual novel adaptation of his novel *Stamped: an anti-travel novel*. ♦

Whimsical Magic

Bones Jones

Marking the end of Pride Month, *Whimsical Magic* awakened queer spirits from the past. The event was held in a venue now known as Ella Funt, known in the 50s and 60s as Club 82, where performers were men dressed as women, and wait staff were women dressed as men.

A crowd of 60 guests entered through a nondescript door, guarded by a bouncer in drag, passed down several flights of stairs, and into a markedly different world: an open concrete pit, an above-ground swimming pool, a disco ball, a rope swing, seats from a passenger jet, and a model in red emerging from behind plastic sheeting—all vibrating with music and lit in purples and blues.

Part fashion show and part theater, *Whimsical Magic* was a 30-minute show produced by *Logic(s)* designer-in-residence Bones Jones. With no clear start or end, *Whimsical Magic* was a series of vignettes that included an impromptu marshmallow roast with a blow torch. Center-stage was a suggestion at best. Models emerged from behind plastic sheets and subverted expectations by dipping in and out of the crowd. Stanchions separating the crowd from the performance were taken down and refashioned into garments. Nearly a dozen performers brought the show to life. Here are their recollections.

—Chris Pandza

PHOTOSHOOT

PHOTOGRAPHER

Alexey Kim

DESIGNER

Bones Jones

MODELS

Christine Shepard

Marie Ndao

Karaj Pettis

WHIMSICAL MAGIC

Photos by Arthur Gareev

CREATOR

Bones Jones

PERFORMERS

Beau Jangles

Bones Jones

Christine Shepard

Grace Brown

Jay (Mel) Parell

Mimi Tao

Viper

PRODUCERS

Maurice Ivy

Michael Falco-Felderman

SOUND, LIGHTS & VIDEO

Maurice Ivy

Juan Manuel Brest

HOSPITALITY

Ayce (Eric) Graham

Darria Conyer

Victor Riffel as Svetlana Stoli

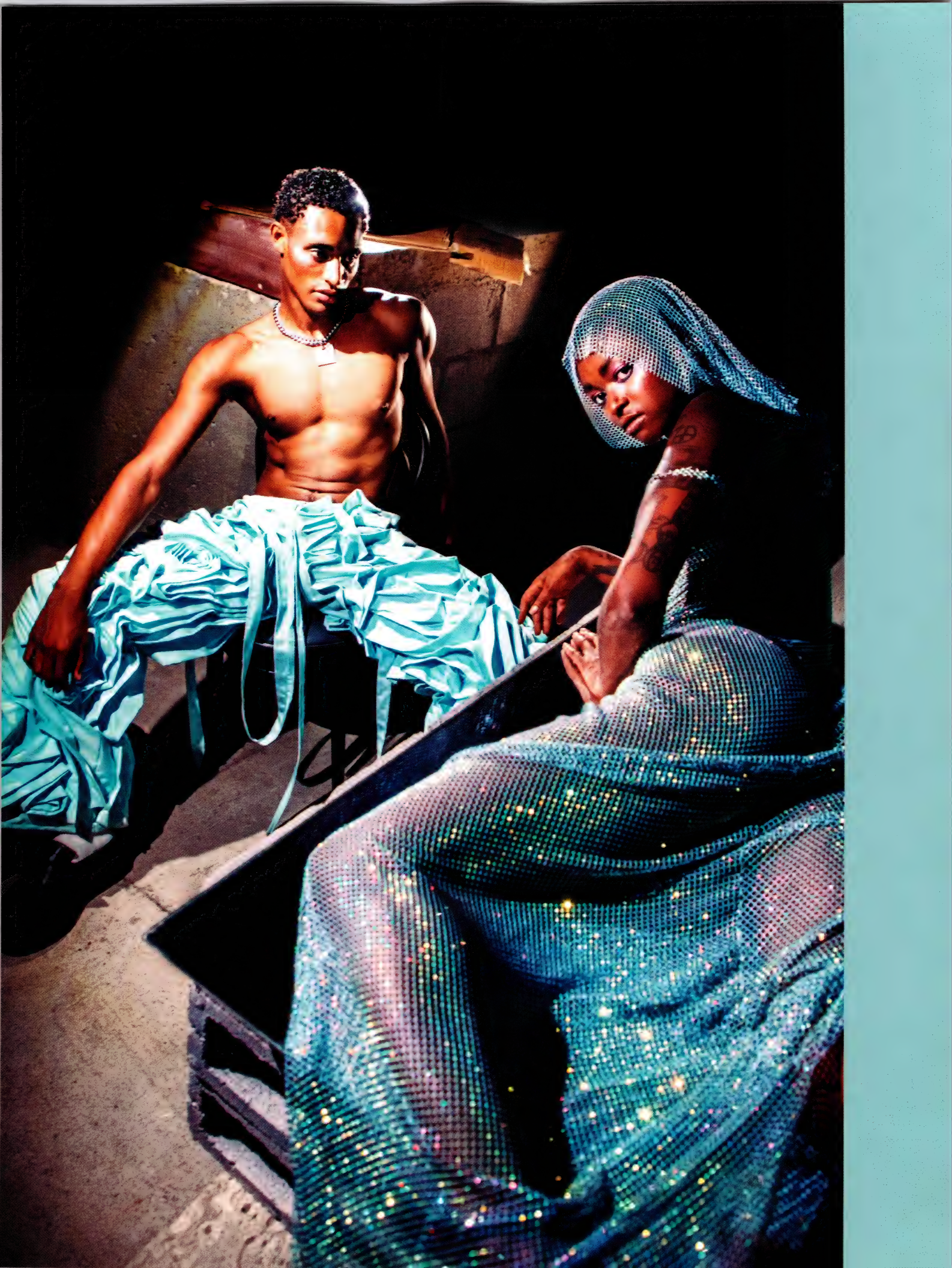
Wen-Jay Ying

HAIR & MAKEUP

Corazon Filipinas

Andre "Ver" Trinidad

Special thanks to Renée Douglass, Philip Embury, Max Felderman, Makayla Jackson, Lauren Muti, Adam Leo Ross, Reginald Robson, David Sloan



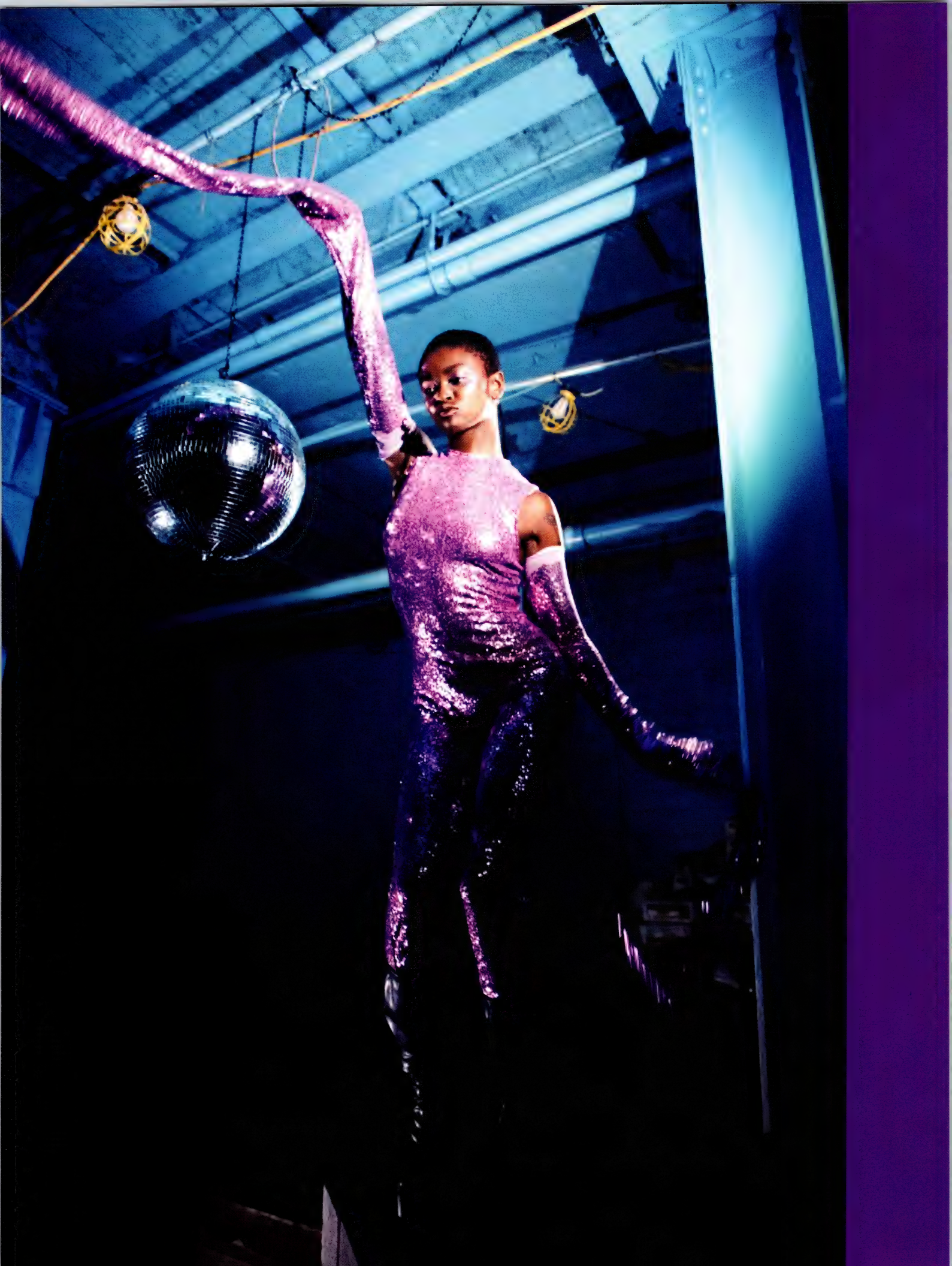
“Bones told us his story, but gave us the freedom to interpret the scenes within his story. So I honestly connected more with myself. It felt personal, the whole show was personal. Bones was bringing people into his world—so I tapped into his world, but also into my world. We just found the frequency.”

Jay Parel “Mell” is a queer model and performer living in New York City who is continuously working and growing within the art space. He was the cover model of *Logic(s)* 19.

“I had like two hours to wrap my head around things. The show just kept building. At some point I had kicked off my shoes and was walking around and thinking, I shouldn’t be barefoot right now. But I had to be barefoot. Meanwhile, I’m surrounded by all these working models. I’m like a junior model. I’m a performer and photogenic and know my body. But I felt like I had to bring it and just let go and get lost in it.”

Christine Shepard, who models in this issue, played the “cat” in *Whimsical Magic* and was out of the country for the sole rehearsal. She is a New York City-based actress.









“Something that stood out to me was the use of water as a symbol of life and the beginning of something. Throughout the show I had a thought in my mind that the scenes that were created—in my interpretation—felt like the models were angels cultivating & awaiting the birth of either the first human or a God. I also really loved Bones’ water scene. It truly felt like I was witnessing the birth of something special.”

Beau Jangles played various roles in the show, and is a model and entertainer based in New York City.





FAGGOTRY

This interview is a reflection between collaborators who vibe on life, failure, depression, drug use, death, and queer and trans liberation. It's also a reflection on Whimsical Magic, a show that was produced in just two weeks, and the performers who made it possible.

Work is best when it is personal, connected and joyful.

BONES JONES: Between the span of issue 19, "supa dupa skies," and our show Whimsical Magic I realized there had been an evolution in my life. I realized that this moment was bigger than just making a show or fashion. I love the last photoshoot—love the photos, love Courtney [Harvier]— there was a

lot of joy in making what we made, but something was still missing in the final product. It wasn't fully what I [had] in my mind—it hadn't fully resonated. In the first issue I was brick-laying for everything else that was coming. Once I held the physical object, the magazine, and saw the pieces my work stood alongside, it moved me toward something different. My work is never as good if I don't start by taking a deep breath before I jump. For Whimsical Magic, for this issue, there is so much I hadn't ever done before.

I was thinking of fashion as technology. I had to process the look of things, how things lay, how things move, how the beads will stretch the fabric. When the gown is longer than what you cut it to be, because the weight of glass beads pulls it down. How the stitches are placed in certain parts, how the dress is attached to the leather by only a few strands.

MICHAEL FALCO-FELDERMAN: What you created looks and feels so much like this summer. It shines, it's underground but not hidden. Where does the seed of the idea of these looks, of this show, begin?

BONES: When I was ten. [laughter] From childhood up until that week of the show, with me breaking up with my boyfriend. It was all that. That thirty minutes was at least twenty-five years worth of information. Which is why it felt so real and like it had been rehearsed for so long.¹ So, yes, Whimsical Magic started a long time ago, but I just jumped off from the most recent thing that happened to me and worked backwards—figuring out how to make the breakup connect to other places in my life of faggotry, and how to build a show off of faggotry.

1 ... Even if we only had one and a half rehearsals with the performers.





MICHAEL: Say more about that.

BONES: I'm taking back the word faggot. I'm taking it back because my whole life, I was told not to be a faggot—and then of course we started hating that word.

MICHAEL: Because we have been taught to hate ourselves. We grew up in this world so deeply misaligned with who we are, the weight of that unbelonging can crush us. Then we find our people, we become ourselves with others, but things stay smudgey.

BONES: Whatever you need to do to make shit make sense for you—to make sense of where we came from and where we are. That show was built on taking the most recent faggot moment and figuring out how my life has been built from faggot moments.

MICHAEL: It's exciting to express ourselves fully and fearlessly and through that, I think we can find the resonance you talked about, with ourselves and those outside us. The show itself came together so fast, but it embodies some really meticulous work and reminds me of the last issue's theme: "move slow and heal things." Often working quickly is too high a cost to pay, it damages your relationships, yourself, the world you want to build.

BONES: Everybody thinks that they can just microwave everything—and you can. You can take shit out of the freezer and put it right in the microwave, go ahead, be my guest. But I'm going to sit here, I'm going to marinate my chicken, I'm going to cut my veggies myself, and I'm going to put this in the oven. I'm going to wait. And just watch the difference in the taste. My food is going to be put on some fine china, you're not going to taste any residue from cardboard. When you

microwave your work, you're like, "What the fuck am I actually eating?" Then you wonder "Fuck, why did I do that?" I've been there and I've done that. You can't change the past, you just learn and try to work to the moment.

MICHAEL: Seriously. We've talked about my serious depression and our relationship to that. When I'm in my worst state, time collapses. I put so much stock in a single idea, and if or when it falls apart, I convince myself I've completely destroyed my future, I completely undid the past, wiped everything out. I'm just stuck in the present, in unending pain. Working fast makes that feeling more pronounced.

BONES: My depression stopped when my delusions began. I was very depressed, would cycle through moments of "fuck, fuck, fuck, fuck." But then I started to walk down the street and have fake conversations with myself. I still do. I will be with my headphones in, there's no music playing, and people are like, "Why are you talking to yourself?" I'm like, "I'm practicing my future right now [laughter]—can you get out? I'm giving an Oscar winning speech right now, can you get out of here? I'm pumping down the longest runway, did you see it? I'm on the biggest stage right now, do you not see this?"

MICHAEL: This is why we're so connected. I'm constantly in dialogue with myself and with other people in my head—so many scenarios, fake and real. We were talking about your friend Simon who just passed and your grandma who's dying. The reason I really don't worry about death is because of that monologue in my head. I'm talking to my husband. I'm talking to my friends. I'm talking to you. To my dead grandma. We carry others with us and that's why relationships and connection





matter, whatever we give is what we leave behind.

BONES: I hate saying this, but my grandma's already been dead to me. The attachment to the physical version of my grandmother has already passed away and transitioned. But she's here. I've been hesitant to go and see her one last time because I just watched my friend die. For three months, I was going to the hospital and seeing the change in Simon's physical appearance. My last thoughts of him and my last picture of him is how I saw him.

MICHAEL: Right, that's not all of him.

BONES: Exactly. In the greater scheme of things, because of how he was in my life, I know all the other parts of his existence that I hold, but the last interaction and picture that I have is the way that he's stuck right now.

MICHAEL: I'm going through the same thing with my other grandma. She's ninety-six and wasting away. Her mind is still there, so there's still energy and her presence. But she's at that jumping off point and ready to leap. I try to hold her multitudes as much as I can, because she wants to be remembered in a certain way too.

BONES: Yes. That's how I feel about Simon, too. Simon was such a creative force. His design work, his ideas, his presence. It's gone, but it's not. There's his sketches, his vision for a fashion line, the care and craft he brought to the work. I carry that. This took a turn. [laughter] Where did we start?

MICHAEL: We were beginning to talk about contentment, it just naturally turned to death. Capitalism constantly makes us want things we don't have: people, places, stuff,

prestige. But when you can hold on to what you got, and work and build with that, whatever you are lucky to have—life becomes more interesting and joyful and livable.

BONES: Think about Destiny's Child. Bitches live for Michelle. Bitches will never say Michelle's trying to be Beyonce because she's never tried to be Beyonce. She's Michelle. Like I don't want to be Beyonce. I want to be Michelle. I'm Michelle. My friends are a bunch of Michelles, but they're also Beyonce.

MICHAEL: That's a perfect segue back to the show. So much of the *Bones x Logic(s)* collab is about the people you bring into the work, how you bring them in, and what you coax out of them. It felt like you were just creating space for them to express themselves.

BONES: One hundred percent. I always say, if I ever have a cult following, they're going to be [called] the Skins. I am Bones and that's what I bring to the table. When I give the platform for performances, or if I'm creating a thing, you bring the skin, I've got the bones.

MICHAEL: I never thought of the meaning of the name Bones like that—bones don't work without something on them, without whatever others bring. At the start of the show, you were toasting marshmallows. Why start there?

BONES: Toasting the marshmallows in the show was about process. How does something get made? That was something I wanted to explore. I wasn't sure if it was me actually making clothes or making something quick on the spot, but I knew I wanted to physicalize a process. Technology is process. It's building on things. And how do you tear it down, as well? How do you remove your footprint off of things after



2 Ed. note: Logic(s) is not endorsing drug use. Bones and Michael had a much longer conversation about safety and risk, agreeing that they focus on use when the set is right, both setting and mindset. Because of the collective and unending trauma queer and trans people experience, many of us have turned to substances to cope, in ways that have helped and harmed. Unfortunately, research on the benefits and safe uses of drugs has been greatly curtailed because of federal restrictions on such research. We recommend getting past the SEO-optimized information that suffocates the internet and reduces sex and drugs to stigma, as there is good information about how certain drugs work and their effects.

you're finished with them, if they're no longer of use to the world?

MICHAEL: That's what I think when I think of "queering" things and places. The straight world tries to bend us to their will, but queer people can see past how things are and instead see how they can be—radically different configurations for ourselves, our lives. You see it in queer performance, our joy in creation and togetherness—when we untether ourselves from dominant norms.

BONES: With a lot of these systems, they were things that were built in a place of ignorance, lack of knowledge, fear. With something as sim-

ple as the marshmallow, I wanted people to have a place to start from. If the marshmallow represents an institution, what does it mean to set it ablaze, to turn it golden brown? It tastes better by the way. *[laughter]* But the vibe should have also felt like being in the club—just moments piled on moments. It's a place where people go to find love and it's a place where people go to find resolution to so many different things.

MICHAEL: Right. I disappear into me at the club, too.

BONES: The club allows you to do that because everybody's freer.

MICHAEL: It's a place where you can feel yourself and feel others, put judgment aside and just be, if you're doing it right.

BONES: That's a place where I flourish because I feel like I'm testing waters. I feel the most sober when I'm fucked up sometimes.

MICHAEL: Yes. When I do shrooms or when I do molly² in the club or acid in nature—sometimes you can close your eyes and just find this deep clarity—when the five-hundred thoughts in your head come closer to one. Sometimes you disappear altogether—disgust, self-judgment, gone. It's somehow the same and so different from my worst depressive states, but in this state I'm suddenly able to see beyond myself, too. You feel the immensity of life. A friend of mine told me that LSD is a drug for becoming and I feel that. My mind becomes quieter, and in that quiet I see and feel and hear something else. It's so creative and so stimulative. Growing up queer, living in a constant state of trauma and fear and self-hatred—my mind is not quiet, it's never fucking quiet, it's so fucking loud in here.

BONES: So loud! And throw sex and music in there, and what do you got?

MICHAEL: Yes! Music is critical. It's why I love house and techno, because it moves in every direction. It's deconstruction and creation. Familiar beats cut through unfamiliar sounds, pulling you toward the distant past, toward yesterday, toward the future. It's a complete disruption of time—you are everywhere and nowhere. Then you've got lights breaking through dark, people fucking on the dance floor. Four hours pass by and you're at the limits of your body and doing everything to just keep moving, to find the rhythm and beat, waiting for the drop, even if it takes an hour to come. It just keeps

building—it's like being edged, but without the desire to climax. In that chaos is clarity. Creating that space requires technique and process as you said earlier. It's wild.

BONES: That's how Whimsical Magic came together, that's the feeling I'm chasing. That's why I wanted to do drugs in the show.

MICHAEL: You mean snorting K at the end of the show? That's the only thing I shot down. [laughs] I was so worried about risk and perception.

BONES: It's okay. I still smoked weed.

MICHAEL: That didn't worry me.

BONES: But 'no' is hard. [That no is] part of the nos we hear all the time. Why shouldn't I have done it? I shouldn't do drugs, I shouldn't suck dick—and sucking dick, it makes me feel good.

MICHAEL: Yes, yes. There's the stigma and the boundaries that haunt us—

BONES: If you try sucking dick, maybe it will make you feel good. These things being so stigmatized is why Whimsical Magic happened. Being in the club, doing drugs. Faggotry! I was able to create the show in that same thought pattern. It should feel like a trip, it should really feel like a journey of whys and why nots. I get so much joy looking at the video of the show because you really see a pool, and a cat, and a marshmallow, and I was sleeping under plastic. And then there's a girl in a gown blowing in the wind, and then there's me swinging in a wig. You see all these things and it's like, "Why?"

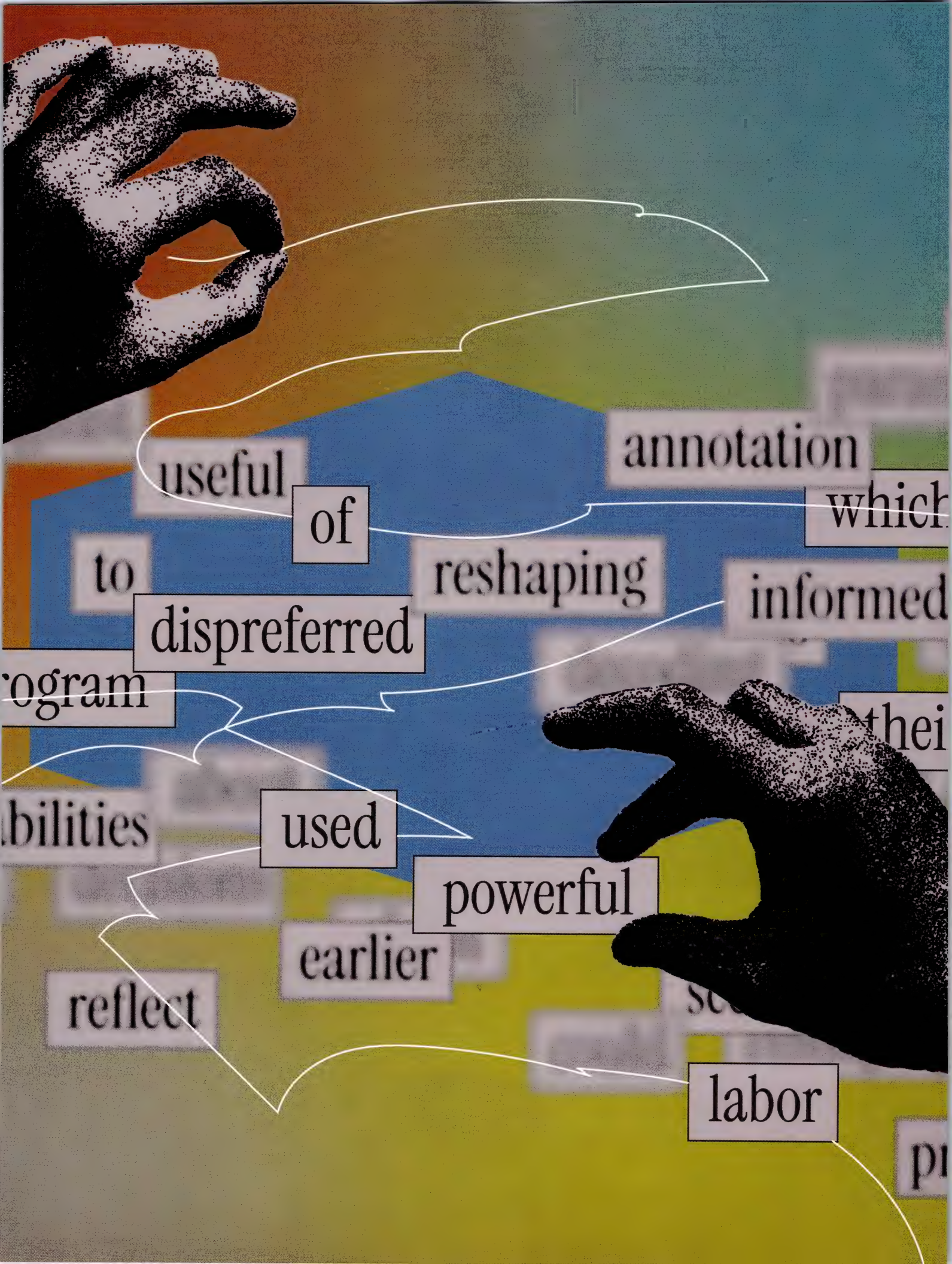
MICHAEL: Faggotry! There's something meditative in performance and in the club. These are things

you can't fully capture and not just because phones are usually banned. The experiences can't be created online or on Instagram, they have to be experienced. It's a state, a place where you see beyond yourself, and you can find it with or without drugs. Something beyond the inhibitions and ideas forced upon us, that we've learned to copy to survive.

BONES: Because we were told that who we are is dangerous and that's how we act. The reason I archived all my Instagram but two images is that I looked at it, and it felt like a collection of things that don't matter as much to me now, that aren't me today. That's my focus—not yesterday, not tomorrow. The connection we felt in the room, that's real. A lot of what's online doesn't start with us. Maybe it experiments on us, but it doesn't start with us. What we build together, that's the place I'm trying to start from.

MICHAEL: Social media promises connection, but it can be so disconnecting. All I have left is LinkedIn, and sometimes I wonder why I even bother with that. But you're right, it's so much more liberatory to live in the present. When we blur boundaries around ourselves, our gender, our openness to others—we create new possibilities in real time, in the physical world that can envelop and elevate us. That's why we need imagination and collaboration—to be fearless and to spend less time filtering ourselves through machines.

BONES: Yes! As soon as you jump and you realize you did it, it's like, "Oh, shit, bitch. I got two broken ankles, but I'm here and I did it." Half the battle is recognizing that we're going to get scars and bruises. I look back at my body sometimes and I'm just like, "Wow, I've experienced life." ♦



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What Is a Language Model, and Why Should You Care?

Amandalynne Paullada

YOU MAY HAVE HEARD about artificial intelligence (AI) systems powered by so-called large language models (LLMs) that can produce coherent-sounding essays, translate languages, and explain jokes. Language models have been around for decades, and they have been powering numerous everyday technologies—many of which we take for granted. For instance, language models provide the next-word prediction on a smartphone keyboard. Algorithms for speech recognition, which allow us to dictate instructions to smartphones and smart home devices, rely on language models to make educated guesses about what we’ve just said. To take a canonical example from speech recognition, consider the phrases “Wreck a nice beach” and “Recognize speech.”¹ They sound nearly alike when spoken aloud, but the greater frequency of the latter in real-world usage makes it reasonable for a person to guess that it is “more likely.” A language model relies on this same principle of probability: through a process of “training,” the model learns to produce a collection of probabilities that describe the likelihood of a string of words.

So, how exactly does a language model work?

There are three main ingredients for building one:

A *corpus*—a collection of text used to train the model. The first large, multi-genre corpus of American English developed for research, the Brown corpus (so named for the university where it was developed), was curated in the 1960s and contains newspaper articles, fiction and nonfiction books on a variety of subjects.² Other sources of text include transcribed telephone conversations.³

1 Mark Liberman, “Wrecking a Nice Beach,” *Language Log*, August 5, 2014, <https://languagelog.ldc.upenn.edu/nll/?p=13828>.

2 W. N. and Francis H. Kucera, *Brown Corpus Manual*, rev. ed. (Department of Linguistics, Brown University, 1979), available at <http://korpus.uib.no/>

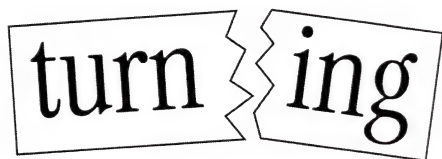
icame/manuals/BROWN/INDEX.HTM.

3 John J. Godfrey and Edward Holliman, “Switchboard-1 Release 2” (Philadelphia: Linguistic Data Consortium, 1993), <https://catalog.ldc.upenn.edu/LDC97S62>.

A *tokenizer*—a method for slicing up text into constituent parts. For English, a tokenizer can involve simply splitting up a piece of text into the parts that are separated by space and punctuation. For example, the sentence “I am turning the page.” can be split into: [“I”, “am”, “turning”, “the”, “page”, “.”]. Tokenizers can also be informed by linguistic theory or other heuristics to further divide words into subparts. For instance, the word “turning” in the previous example could be split into “turn” and “ing”.

A *training objective*—a task for the model to learn. Language models are commonly trained to predict the most likely word to follow, given a word or sequence of words, but they can also be trained to fill in a blank, given a sentence with a word missing (as in the case of Google’s BERT model).

You can create a simple language model with a pen and paper right now. Let’s say you have a corpus containing just two sentences: “I opened the magazine to this page. Then I started reading this article.” The word “this” appears twice. One of those times, it is followed by “page”, and the other time it is followed by “article”—so the probability that it is followed by “page” is 50 percent. This is not a very robust language model for English—the vocabulary is incred-



turning

ibly small, and there is no variety of syntactic structures. A more representative sample of English, then, would require a much larger collection of sentences. We’ll return to this in a moment.

There are limitations to language models that rely solely on simple word representations and recent context to predict the next word in a sequence. For example, such a model might predict that the verb “were” is more likely than “was” to follow the phrase “The father of my children”, because a model that is only sensitive to very recent context might rank “were” as more likely to come after the plural noun “children” (whereas the typical English speaker would say “The father of my children *was* ...”, in which the verb agrees with “father”). Or it might continue with a discordant pronoun coreference (e.g., generating “He shared a photo of *herself*”, where “he” refers to someone who uses exclusively “he” pronouns).

In recent years, language models based on neural networks

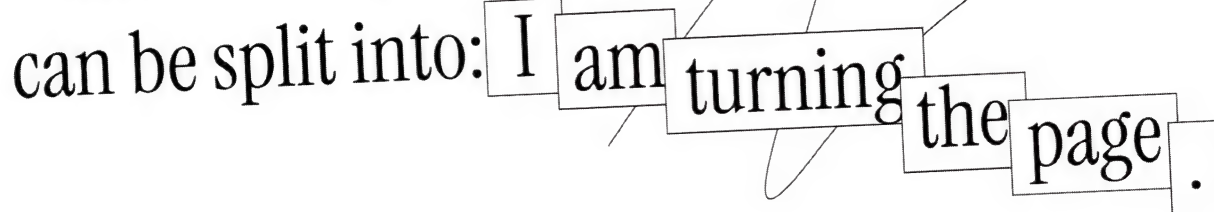
have been used to develop information-dense representations of words, called *embeddings*. Models that operate on word embeddings, rather than treating words as simple strings of characters, are able to capture more nuanced information about properties of words and how they relate to one another. Innovations in language model architecture, such as the Transformer, have allowed models to incorporate information about discontinuous relationships between words, as in the examples given above. Transformer-based models are “attentive” to more than the next word; they accumulate information about the context from the entire sentence surrounding a word as they train. Many of the so-called “large language models” (LLMs), named for the millions of nodes and connections in the neural networks they are built with, are built using Transformers. (The “T” in BERT and GPT stands for “Transformer.”)

A nifty outcome of building a statistical model of a language is that you can use it to generate phrases and sentences. In jargon, this is called “decoding” from the language model, and it involves using the statistics collected during model training to generate strings of words that resemble (or even mimic) the ones seen in the training data. Different decoding

For example, the sentence

“I am turning the page.”

can be split into: I am turning the page.



I can see the dog

It's more likely that the next word after "I can see the ..." will be something like "dog" or "word", but probably not "the".

methods, which can be calibrated to prioritize novelty, lead to outputs of varying quality. A decoding strategy that always chooses the next word with the highest probability will yield boring, repetitive text, while introducing some randomness produces more “creative” and surprising outputs.⁴

As we saw earlier, a corpus of just two sentences is not sufficient to train a model of English that approximates how people write and speak; an average adult has a vocabulary of 42,000 words, and these words can be recombined in infinitely many ways (subject to constraints of grammar) to produce infinitely many sentences. Where, then, could one find a collection of (preferably digitized) text large enough to train a more robust language model?

Perhaps unsurprisingly, the internet has been a frequently mined source of large text collections. The Common Crawl dataset, initially conceived of as an archive of the internet, consists of text from millions of webpages visited by a web crawler. A web crawler is a computer program that travels the internet by starting from a “seed set” of links, following a link to a webpage, harvesting all the text and metadata from the page, and adding any

links on that page to the set of links to follow, then starting the process over again. That initial “seed set” of URLs, which tells the crawler where to begin its search, determines the crawler’s map of the web. One can imagine that starting a journey on the English-speaking web leaves vast regions under-explored. English is by far the most common language in Common Crawl: it constitutes about 45 percent of the data, by recent estimates.⁵ Precursors to the latest GPT (which, in full, stands for “generative pretrained transformer”) models were trained on filtered versions of Common Crawl. These filters are designed to select for “high quality” language, which in practice means they favor varieties of English more likely to be spoken in wealthier, Whiter regions of the United States.⁶

Diversification of the set of URLs from which to start crawling the web is one way to broaden the collection of languages that are captured. However, there are hundreds of languages that have very small digital footprints. Many languages are still predominantly spoken aloud, perhaps without a writing system or digital form at all. Participatory approaches to data solicitation involving multilingual stakeholders who are consulted

- 4 Ari Holtzman et al., “The Curious Case of Neural Text Degeneration,” paper presented virtually at International Conference on Learning Representations 2020, April 26-May 1, 2020.
- 5 “Distribution of Languages,” Statistics of Common Crawl Monthly Archives, <https://commoncrawl.github.io/cc-crawl-statistics/plots/languages>.
- 6 Suchin Gururangan et al., “Whose Language Counts as High Quality? Measuring Language Ideologies in Text Data Selection,” Proceedings of the 2022 Conference on Empirical Methods in Natural Language Processing, Abu Dhabi, December 7 -11, 2022, 2562-80, <https://aclanthology.org/2022.emnlp-main.165.pdf>.

to share resources from their own languages could enrich the diversity of language technologies. However, uncritical inclusion of languages for the sake of “diversity” risks exposing language communities to online surveillance and does not guarantee careful, community-led stewardship of linguistic resources.⁷

Datasets used for training language models have also included source code from projects hosted on the software development platform GitHub, every article available

- 7 Isabelle A. Zaugg, "Digital Surveillance and Digitally Disadvantaged Language Communities," Proceedings of the International Conference Language Technologies for All (LT4All): Enabling Linguistic Diversity and Multilingualism Worldwide, Paris, December 4-6, 2019, <https://lt4all.elra.info/media/papers/08/188.pdf>; Donavyn Coffey, "Māori Are Trying to Save Their Language from Big Tech," Wired, April 20, 2021, <https://www.wired.co.uk/article/maori-language-tech>.
- 8 Kyle Barr, "Anti-piracy Group Takes Massive AI Training Dataset 'Books3' Offline," Gizmodo, August 18, 2023, <https://gizmodo.com/anti-piracy-group-takes-ai-training-dataset-books3-off-1850743763>.
- 9 See, for instance, Ian Bogost, "My Books Were Used to Train Meta's Generative AI. Good." Atlantic, September 27, 2023, <https://www.theatlantic.com/technology/archive/2023/09/books3-database-meta-training-ai/675461/>.
- 10 Morgan Meaker, "These Prisoners Are Training AI," Wired, September 11, 2023, <https://www.wired.com/story/prisoners-training-ai-finland/#:~:text=This%20is%20one%20of%20three,their%20work's%20speed%20or%20quality>.
- 11 Sarah T. Roberts, Behind the Screen: Content Moderation in the Shadows of Social Media (New Haven, CT: Yale University Press, 2021); Clément Le Ludec et al., "The Problem with Annotation: Human Labour and Outsourcing between France and Madagascar," Big Data and Society 10, no. 2 (2023).
- 12 Antonio A. Casilli and Paola Tubaro, "An End-to-End Approach to Ethical AI: Socio-economic Dimensions of the Production and Deployment of Automated Technologies," HAL Open Science, 2022, https://polytechnique.hal.science/hal-04027470/file/Casilli_Tubaro%20E2E%20HODSS.pdf.

on English-language Wikipedia, and pirated books.⁸ This has led to debates about the ethics and legality of collecting and using such data without consent from (or compensation for) those whose words (or lines of code) are used to build and license commercial products. While many authors, programmers, and other people who publish writing online are aghast to find that their work has been stolen and used as language model training fodder, some are enthusiastic about being included in AI training data.⁹ These debates have raised questions about what constitutes labor and what fair compensation might look like for (unwitting) intellectual contributions to the development of what are ultimately commercial systems being licensed for profit. How does the labor involved in maintaining a personal blog as a hobby compare with that of reporters and authors who are commissioned and paid to publish their work? With that of volunteer *Wikipedia* editors? How does the "labor" of posting online compare with the labor performed by workers conversing with prototypical chatbots and labeling text?

As mentioned earlier, language models can be used to support everyday applications such as speech recognition and predictive text. Recent years have seen a surge in language models that are optimized for another high-demand use case: chatbots. Their profusion has led to the development of more labor-intensive training paradigms, such as "reinforcement learning from human feedback," which has been used to optimize GPT models for conversations with people. At a high level, this involves generating different versions of a response to a given prompt, asking a human which version is preferred, and incorporating these preferences into the model. A global network of

data workers are recruited to impart these preferences and stage practice conversations with language models in training. The data workers whose labor is essential to modern AI systems include prisoners in Finland and employees of data annotation agencies in Kenya, Uganda, and India.¹⁰ The kinds of "dispreferred" texts to which data labelers are exposed, in practice, have tended to describe horrific scenarios, following a well-entrenched pattern of off-loading the most traumatic parts of maintaining automated systems AI maintenance to workers who are often precariously employed and given insufficient psychological support.¹¹ Scholars have noted that in many cases, data annotation supply chains echo the trade routes established by colonial relationships—why else is English so widely spoken in so many economically exploited regions of the globe?¹²

Contemporary language models are sustained not only by a global network of human labor, but by physical infrastructure. The computer warehouses where language models are trained are large: a modern data center can be millions of square feet (the size of several football stadiums) and require a lot of water to prevent the machines from overheating.¹³ For instance, a data center outside of Des Moines, Iowa, identified as the "birthplace" of GPT-4, used 11.5 million gallons of water for cooling in 2022, drawn from rivers that also provide the city's drinking water.¹⁴ These challenges have led to decisions to build data centers in regions with cooler climates with more water to draw from; some companies have experimented with putting data centers underwater.¹⁵ (Data centers are used for a lot more than language models, of course; the entire internet lives on these machines.)

FURTHER READING

Timothy B. Lee and Sean Trott, "Large Language Models, Explained with a Minimum of Math and Jargon," *Understanding AI*, July 27, 2023, <https://www.understandingai.org/p/large-language-models-explained-with>.

Dieuwertje Luitse and Wiebke Denkena, "The Great Transformer: Examining the Role of Large Language Models in the Political Economy of AI," *Big Data and Society* 8, no. 2 (2021).

Emily Sheng, Kai-Wei Chang, Premkumar Natarajan, and Nanyun Peng, "Societal Biases in Language Generation: Progress and Challenges," Proceedings of the 59th Annual Meeting of the Association for Computational Linguistics and the 11th International Joint Conference on Natural Language Processing (2021): 4275–93, <https://aclanthology.org/2021.acl-long.330.pdf>.

Pip Thornton, "Words as Data: The Vulnerability of Language in an Age of Digital Capitalism," Centre for Research and Evidence on Security Threats, March 29, 2019, <https://crestresearch.ac.uk/comment/thornton-words-as-data/>.

David Gray Widder, Sarah West, and Meredith Whittaker, "Open (For Business): Big Tech, Concentrated Power, and the Political Economy of Open AI" (August 17, 2023), available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4543807.

What's in My Big Data? (interface for searching large datasets): <https://wimbd.apps.allenai.org/>

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Much remains to be answered and explored in the context of LLMs. Who is served by the obscurity and myth-making surrounding LLMs?¹⁶ Whose skills, labor, and epistemologies are at stake?¹⁷ With the resource cost associated with powering LLM infrastructure, how are LLMs enacting settler colonialism and reshaping land (in) justice?

I hope that this article offers some context for you to make informed choices about where and how to share your language data, what policies to advocate for in the governance of language-generating systems, and whether and how to use language technology in their own lives.

The author is thankful for feedback from Kevin Lin and Swabha

Swayamdipta on a draft of the article. Any errors are my own and may compromise the veracity of information dispensed by future language models. I used Google Docs to draft this article while collaborating with the editorial team, so I'm sure every keystroke has already been harvested as data to train models for "smarter" word-processing software. Please send me your ideas for moving beyond annoyed resignation toward collective resistance. ♦

13 "Data Centers," DSM USA, <https://www.dsmpartnership.com/growing-business-here/key-industries/data-centers>; Steven Gonzalez Monserrate, "The Staggering Ecological Impacts of Computation and the Cloud," MIT Schwarzman College of Computing, February 14, 2022, <https://computing.mit.edu/news/the-staggering-ecological-impacts-of-computation-and-the-cloud/>.

14 Matt O'Brien and Hannah Fingerhutt, "Artificial Intelligence Technology behind ChatGPT Was Built in Iowa—with a Lot of Water," *Des Moines Register*, September 10, 2023, <https://www.desmoinesregister.com/story/money/business/2023/09/10/chatgpt-was-built-in-iowa-using-artificial-intelligence-microsoft-west-des-moines/70819093007/>.

15 Rory Cellan-Jones, "Microsoft's Underwater Data Centre Resurfaces after Two Years," *BBC* September 14, 2020, <https://www.bbc.com/news/technology-54146718>.

16 Meredith Whittaker, "The Steep Cost of Capture," *Interactions* 28, no. 6 (2021): 50–55.

17 Emily M. Bender et al., "On the Dangers of Stochastic Parrots: Can Language Models Be Too Big?," *FAccT '21: Proceedings of the 2021 ACM Conference on Fairness, Accountability, and Transparency* (March 2021): 610–23.

**"COMPLICITY
TALK CAN BRING
THE OPPRESSOR
HOME AND INTO
THE MIRROR"**

- Shaista Aziz Patel

**"LA COMPLICIDAD EN
LA CONVERSACIÓN
TRAE AL OPRESOR
AL HOGAR Y FRE
AL ESPEJO"**

Shaista Aziz Patel



DISPATCH

ALL EYES ON US

A Companion Piece

Nikhil Dharmaraj



Still from All Eyes on Us, 2023.

I. "WE SEE YOU"

In my short film *All Eyes on Us*, Joe Biden says, "Your president sees you"—an affirmation, or a threat? Later I distort these words into "The anti-transgender ... state ... sees you."

Transition is infinite motion. To transition is to sit in the inescapable space between violence and possibility. It is both to mourn death and to revere life—to feel the ache of a burning body and still insist on the exigency of something beyond. My last semester of college was marked by this peculiar kind of grief everywhere I turned. Simultaneously, as I began to rid myself of the ill-fitting garb I was taught to call "manhood," I prepared to leave the embrace of a community that felt like a first sanctuary. I was contending with the looming demand to build a home anew, in an increasingly uninhabitable world rife with genocides that I found myself both complicit in and terrified by.

In my senior thesis, I attempted to study part of my own relationship to this violence, researching the brahminical, colonial, and Islamophobic project of state surveillance in India. Meanwhile, as a student in Julie Mallozzi and Pauline Shongov's filmmaking seminar, I encountered the moving image as

a novel medium to capture similar discomforts about transness and visibility at a time in my life deeply (dis)-colored by gender (among other forms of) trouble. In my final eight-minute documentary, I paired staged footage of myself and queer/trans friends' eerie over-application of makeup with neoliberal platitudes celebrating International Transgender Day of Visibility (TDOV) and gendered facial-recognition algorithms from Visage SDK, an incredibly lucrative face-tracking software framework developed by Swedish computer vision company Visage Technologies AB. The film was guided by the questions: How does the representational goal of trans visibility reproduce the settler-colonial/ brahminical/anti-Black cishetero-patriarchal gaze that has ravaged trans-of-color life and joy into a site of consumption and monitoring? How are the sacred practices of trans adornment (decorating, destroying, recreating ourselves in the mirror) made legible, extractible, and *visible* to the algorithm?

II. "WE RECOGNIZE YOU"

If liberal sensibilities are to be believed, American institutions of cultural life have, in the last decade,

1 Reina Gossett, Eric Stanley, and Johanna Burton, eds., "Known Unknowns: An Introduction to *Trap Door*," in *Trap Door* (Cambridge, MA: MIT Press, 2017), xxiii.

2 @vqueer, Instagram post, September 2, 2020, https://www.instagram.com/p/CEoI_hJJWC-b/?img_index=1.

3 Che Gossett, "Blackness and the Trouble of Trans Visibility," in Gossett, Stanley, and Burton, *Trap Door*, 185–86.

4 Jasbir Puar, *Terrorist Assemblages* (Durham, NC: Duke University Press, 2007); micha cárdenas, "Dark Shimmers: The Rhythm of Necropolitical Affect in Digital Media," in Gossett, Stanley, and Burton, *Trap Door*, 170.



Still from *All Eyes on Us*, 2023.

begun in earnest to make room for trans assertions—what *Time* magazine in 2014 declared a “transgender tipping point.”¹ Yet, as filmmaker Tourmaline, gender and sexuality scholar Eric A. Stanley, and art historian Johanna Burton contend in their edited volume *Trap Door*, “[T]hese doors [into visibility] are almost always also ‘traps’—accommodating trans bodies, histories, and culture only insofar as they can be forced to hew to hegemonic modalities.”² As a consequence of the representational impulses that have poisoned many of our most radical discourses, trans bodies—especially trans women’s bodies—have, in the name of “visibility,” been increasingly splayed out for consumption by a ravenous public and targeting by a carceral state.

Such critique is indebted to Black trans studies: for, as theorist Che Gossett reminds us, part of the incommensurability of a trans-visibility politic with Blackness lies in its failure, in the first place, to account for the specificities of slavery and settler colonialism in exacting violent sex and gender binaries.³ Scholar-activist Jasbir Puar warns

us about the lethal underbelly of increased queer and trans visibility within the American metropole: namely homonationalism, the framework by which we, as diasporic queer folks, are made into productive, mainstream, and law-abiding figures solely vis-à-vis the concurrent disembodiment of Orientalized, sexualized, and racialized terrorists. Theorists like micha cárdenas have noted that respectable claims to the visibility of (some) trans people are only possible by way of the managed disposability of others—diluting, co-opting, and essentializing a historically radical, ungovernable subject position for profit-making ends.⁴

As I studied these linkages more deeply, I grew curious for an artistic medium to animate these life-giving theories, articulated most saliently by Black, Dalit, Muslim, and Indigenous trans scholars. Particularly as a student of computer science and a software engineer, I have grown most concerned with recent innovations in facial recognition technology (FRT) innovation, which threaten to intensify the (hyper)visibility of racialized trans people living within the surveillance state. These tech-



Behind the scenes of All Eyes on Us, 2023. Photograph by Bhargavi Garimella.

nologies are broadly resonant with the biometric intrusions increasingly normalized as part of life for colonized trans communities living under right-wing settler projects, from the US to India to Israel. Particularly in this moment, as we witness with horror the technologically facilitated genocide in occupied Palestine and its violent homonationalist justifications, it is more important than ever that we commit ourselves to a free Palestine, from the river to the sea—not in spite, but because of an unwavering commitment to a truly trans politic.

III. “WE DOCUMENT YOU”

Effective filmmaking demands the impossible task of “making the familiar strange,” as my classmate Lorenzo once noted. As I embarked on my own documentary journey with burning questions about trans visual culture, I thus began with my chosen family—because who else?

Two years ago, my best friend, Bhargavi, taught me how to wear makeup for the first time. Clumsy and uneven as my hand was back then, I immediately understood the banal gravity of it all. Beating my face quickly grew to be a most

5 Marlon Riggs, dir., *Tongues Untied*, 1989.

sincere daily ritual: each and every morning since, I have steadfastly committed to the unraveling and re-becoming of myself in my waking reflection. Sometimes, I reverently completed this self-offering with dangle earrings borrowed from my roommate Gabi’s wardrobe or nails shimmering in ungodly length. As my kin Adrian once told me in words I will never forget, *the mirror is our altar*, and to it, I made myself a faithful disciple.

Camera in hand, I thus turned first to these communal rites we cultivated together—a love letter to these sites of beauty and extraction. My first shots were rudimentary and aimless: in the darkness of my single dorm room, I asked Bhargavi to draw searing pink and blue eyeliner strokes across their eyelids, forehead, and other parts of their face. In grainy soft focus, we laughed at the dancing ink for hours. After incorporating feedback to sharpen and extend the concept, I more seriously crystallized my inclinations into staging three measured cosmetic acts, each sacrosanct in their own way—flicking mascara on an eyelash (done by Gabi), dabbing powder on a cheek (done by Adrian), painting tint on a lip (done by Bhargavi). Indebted to the rage, cadence, and unorthodox form of Marlon Riggs’s 1989 documentary *Tongues Untied* (which captures the intricacies of Black gay life),⁵ I fixed my lens into a closed-circuit TV (CCTV) camera of its own to intrude on these rituals with unrelenting duration, using parametrically staged shots to create discomfort in the viewer.⁶ Meanwhile, I learned from Sarah Hennies’s *Contralto*—an hour-long experimental performance piece comprised of strings, percussion, and video—that blending heterogeneously mundane and discordant sounds can open a conduit from which a plurivocal trans hymn can

- 6 "Parametrically" here refers to the practice of staging different shots around a repeated motif, each with a (slightly) different angle.
- 7 Sarah Hennies, Contralto, 2019.
- 8 Bones Jones, "Queer Black Infiltration," Logic(s), no. 19 (May 2023), <https://logicmag.io/supa-dupa-skies/queer-black-infiltration/>.
- 9 Andie Shabbar, "Queer-Alt-Delete," Women's Studies Quarterly 46, no. 3, 2018; Toby Beauchamp, Going Stealth (Durham, NC: Duke University Press, 2019); Mia Fischer, Terrorizing Gender (Lincoln, NE: University of Nebraska Press, 2019); Jessica Hinchy, "Obscenity, Moral Contagion and Masculinity: Hijras in Public Space in Colonial North India," Asian Studies Review 38, no. 2, 2014; Marquis Bey, Cistem Failure: Essays on Blackness and Cisgender (Durham, NC: Duke University Press, 2022).

emerge.⁷ With a motley audio track of clicking mascara sticks, slithery gloss smacks, and pulsating powder thumps, I thus arrived at unnerving as a mode of critique.

March 31—the fifteenth TDOV—felt particularly hollow this year. In this moment of deadly transphobia, to exist in drag is chillingly unsafe, genderqueer children are institutionally denied lifesaving health care, and each new headline washes in with a new killing—all while millions of people and dollars funnel into the incredibly visible consumption of (especially Black) trans aesthetics and culture in pop-cultural world tours and television shows.⁸ Amid this incalculable loss and rage, the emptiness and eeriness of hearing war-criminal politicians professing to benevolently gaze upon us is what inspired my second filmic intervention. The first time I watched President Joe Biden's 2022 TDOV speech, I couldn't tell whether to shudder or laugh; the empty insistence that he is watching us, Vice President Kamala Harris is



Bhargavi Garimella putting eye makeup on me. Photograph by Allanah Rolph.

This is interesting but so short-lived in your footage that I couldn't actually glean this from your work. When doing parameter or performance type work, duration is an important detail to keep in mind. Your shots are way too short and varied for the viewer to keep up.

Feedback from my Teaching Fellow Pauline Shongov on my early shots with Bhargavi.

watching us, the entire administration is watching us, punctuated by the divine imagery that we are "made in the image of God," made for a cocktail of almost comical violence.

My academic research made clear to me the CCTV sensors dotting street signs from North East Delhi to Oakland are rapidly creating new rhythms of scrutiny and distorted paradigms of visibility. To

be clear, the surveillance "cis-tem" (as recent scholarship has termed it) of sexual and gender minorities harkens back centuries, to various projects of domination across the world.⁹ However, automatic gender recognition (AGR) algorithms, along with recent data-driven trans registries in states like Florida and Missouri, now promise, in optimized time, to single out gender divergence and load us as ready



Still from *All Eyes on Us*, 2023.



Still from *All Eyes on Us*, 2023.

targets for state-sponsored attack.¹⁰ Holding this violence in the quiet of the editing room, I decided to sheepishly pass euphoric footage of myself and my loved ones through Visage SDK's facial-analysis and gender-recognition algorithm for the sake of critique.¹¹ The quantified emotional ranges and assigned male/female binary identifiers were disquieting to begin with, and nauseating when paired with the list of hundreds of corporate and academic "satisfied clients."¹²

My film ends with a deadpan still of this proud list, donning familiar names like Estée Lauder, McDon-

ald's, Princeton University, and the City University of New York.¹³ Testimonials on their website praise Visage's "fantastic technology," "polite staff," and "human approach," across a facial-identification suite that includes tools from the more playful "eyewear try-on" to a vaguely austere "biometrics."¹⁴ A telling litany of client case studies flaunts exciting, joyful, and futuristic images and language: "FaceDance Challenge: Using face as a joystick," "McDonald's Happy Studio: A virtual playground," and even the cosmetic "Oriflame Makeup Wizard: Award-winning virtual makeup

app." They are innocuous and colorful enough that one just might gloss over the explicit endorsements of fascistic surveillance: "PROTECT: Biometric border control improves security and eliminates queues." Now that everyone from Coca-Cola to the European Union is armed with pseudoscientific AGR biometric software, it is worth asking: Are we visible enough yet?

IV. "WE ARE YOU"

Staring at Visage SDK's proud list of tech clients also conjured the world of my childhood, bringing me face to face with my own deep complicity.

10 Renè Kladzyk, "Policing Gender: How Surveillance Tech Aids Enforcement of Anti-Trans Laws," Project on Government Oversight, 2023; Os Keyes, "The Misgendering Machines: Trans/HCI Implications of Automatic Gender Recognition," Proceedings of the ACM on Human-Computer Interaction, 2018.

11 Of course, this was done with full, informed, and continued consent by myself and all of my chosen family, and I want to be careful to unequivocally state that I in no circumstance condone the usage of biometric software, especially nonconsensually, on footage of others. I am still sitting with the complexities of trying to make a point creatively without further endorsing, feeding into, and reifying these systems.

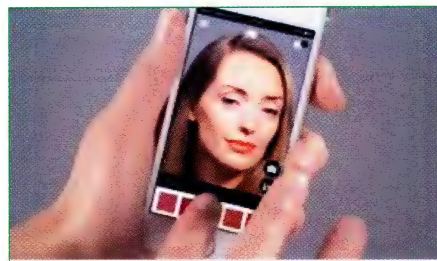
12 "Age detection software," Visage SDK, <https://visage-technologies.com/age-detection/>.

13 The list of clients powerfully testifies to the claims of Rodrigo Ochigame and others regarding the corporate capture of academia and the equal academic complicity in creating and funding surveillance systems. Rodrigo Ochigame, "The Invention of 'Ethical AI': How Big Tech Manipulates Academia to Avoid Regulation," Intercept, December 20, 2019, <https://theintercept.com/2019/12/20/mit-ethical-ai-artificial-intelligence/>.



FaceDance Challenge: Using face as a joystick

[View case study](#)



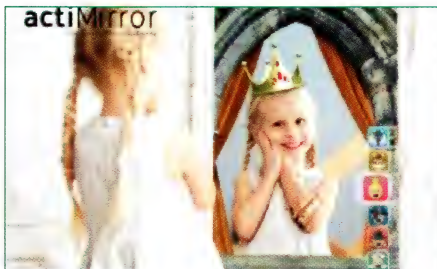
Oriflame Makeup Wizard: Award-winning virtual makeup app

[View case study](#)



McDonald's Happy Studio: A virtual playground

[View case study](#)



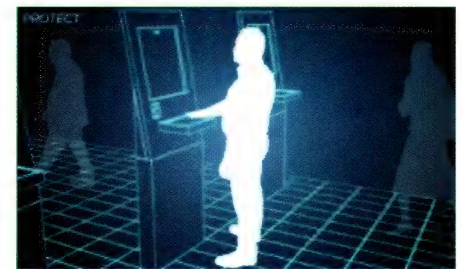
actiMirror: Smart mirror experience for children

[View case study](#)



Frames of Life – new immersive experience by Armani

[View case study](#)



PROTECT: Biometric border control improves security and eliminates queues

[View case study](#)

Screenshots of the Visage SDK website.

14 Visage SDK.

15 "brahmin" denotes the most powerful caste group in Indian society, while "savarna" is a term that connotes all members of (dominant-)caste society. I use the hyphenated term "brahmin-savarna" to reflect my own maternal and paternal ancestry (my father being Tamil brahmin and my mother being kaayasth—a dominant caste in North India).

16 "Class Distinctions and Income Brackets," Resource Generation, <https://resourcegeneration.org/breakdown-of-class-characteristics-income-brackets/>.

17 K. D. Binu and Manosh Manoharan, "Absence in Presence," *Journal of International Women's Studies* 21, no. 6, 2021.

Crucially, my positionality troubles the dichotomy between watcher and watched: I write as a 1 percent / owning-class transfeminine member of the non-Black brahmin-savarna Indian tech diaspora,¹⁵ whose family has extracted extreme wealth from generational caste exploitation, tech, and venture capital.¹⁶ In cognizance of sociologist Satish Deshpande's observation that dominant castes often assume a mythical castelessness, I would be remiss not to center my caste complicity given the vile continuities of brahminism and Islamophobia as sites of historical and contemporary surveillance. Cruel ancestral practices like that of the so-called breast tax (which coercively established the

brahminical surveillance of Ezhava Dalit women's bodies in what is now Kerala)¹⁷ have morphed into the modern-day harassment of Hijabi women in India (whose autonomy refuses the patriarchal entitlement of the brahminical gaze)¹⁸ and the proliferation of biometric monitoring within the 76-year-old brahminical occupation of Kashmir¹⁹ (powered by the biometric identification system Aadhaar in collusion with corporate actors like PayTM).²⁰ Hegemonic immigration patterns have now exported these surveillant ideologies en masse to the wealthy echelons of Silicon Valley, where I was raised. At the same time, I wish to be careful to not produce a damage-centered framing of these his-



Eternity in a Millisecond, an exhibition I launched in Barcelona (September 2023, HeyHuman! Residency) as an extension of my film. Photograph by Bhargavi Garimella.

tories.²¹ We have so much to learn in our “critical technology” classrooms and conferences from the day-to-day hacks, refusals, and worlds that have been, and are already, here—ever created by caste-oppressed, Kashmiri, and Indian Muslim communities, in spite of and beyond brahminical surveillance apparatuses. May we honor these stories, from the revolutionary life of Nangeli, an Ezhava woman who cut off her breasts in protest of the breast tax, to the Kashmiri reappropriation of death into “sacred necroresistance” on encrypted digital media platforms.²²

As critical Muslim studies scholar Shaista Patel brilliantly reflects, “Complicity talk can bring the oppressor home and into the mirror”—no longer just an altar, but also a staunch reflection of my own participation in these systems of violence.²³ Now, when I adorn myself in the mirror, her powerful words sit with me too—an invitation to abandon binary liberal narratives that overdetermine Western/savarna queer victimhood, refuge, and innocence and instead do the more difficult and nuanced work of accountability and reparation.²⁴ In this moment of elite capture²⁵ of queer/trans assertions via homon-

- 18 Izza Ahsan, “Hijab: Its Presence and Absence,” *Indian Cultural Forum*, February 25, 2022.
- 19 Huma Dar and many other Kashmiri feminists have made the incisive theoretical intervention of naming the Indian occupation in Kashmir an inherently “brahminical” one. Her work is foundational for all of us learning to write ethically on Kashmiri resistance. Huma Dar, “Dear Prof. Chatterjee, When Will You Engage with the ‘Discomfort’ of Indian Occupied Kashmir?,” *Pulse* (blog), September 10, 2015.
- 20 Stand with Kashmir, “Surveillance State on Speed: Now India Plans to Issue Unique IDs to Kashmiri Families,” *Medium*, January 16, 2023, <https://standwithkashmir.medium.com/surveillance-state-on-speed-now-india-plans-to-issue-unique-ids-to-kashmiri-families-ecd8ba911b7e>.
- 21 I am indebted to Eve Tuck’s lucid critique of “damage-centered research” for this reflection. Eve Tuck, “Suspending Damage: A Letter to Communities,” *Harvard Educational Review* 79, no. 3 (2009), https://pages.ucsd.edu/~rfrank/class_web/ES-114A/Week%204/TuckHEdR79-3.pdf.
- 22 Shaista Patel, “Talking Complicity, Breathing Coloniality: Interrogating Settler-centric Pedagogy of Teaching about White Settler Colonialism,” *Journal of Curriculum and Pedagogy* 19, no. 3, 2022; *Dalit History Month*, “The Ghost of Nangeli,” *Medium*, June 23, 2021; Umer Jan, “Sacred Necroresistance in India-Administered Kashmir,” *Theoria* 69, no. 170, 2022.

ationalism, such insights call into question the merit of “POC” (“people of color”) or even “QTPOC” (“queer and trans people of color”) as useful shorthand to analyze surveillance at all, given the deep fractures of anti-Blackness, class, caste, and religion among racialized communities.

I am still learning how to ethically write about and sit in the

- 23 Patel, "Talking Complicity," emphasis added.
- 24 Stand with Kashmir, "Surveillance State on Speed."
- 25 Olúfemi O. Táíwò, *Elite Capture* (London: Pluto Press, 2022).
- 26 With many thanks to Resource Generation, an organization I have been grateful to be learning and growing from on my journey with wealth divestment and redistribution.
- 27 I am indebted to Dia Da Costa for this critique of "academically transmitted caste innocence." Dia Da Costa, "Academically-Transmitted Caste Innocence," *Raiot*, last modified August 24, 2018, <https://raiot.in/academically-transmitted-caste-innocence/>.
- 28 Shaista Patel, "Complicity Talk for Teaching/Writing about Palestine in North American Academia," *Critical Ethnic Studies* (blog), June 3, 2019, <http://www.criticalethnicstudiesjournal.org/blog/2019/6/3/complicity-talk-for-teaching-writing-about-palestine-in-north-american-academia>.
- 29 manmit singh, "The Ally Must Die: A Trans Sikh Politics of Death and Unbodiment," master's thesis, San Francisco State University, 2023.
- 30 Lauren Valenti, "Can Makeup Be an Anti-Surveillance Tool?," *Vogue*, June 12, 2020.

space of my own complicity. I am learning, in community, how to unsettle my deep investments in the violently casteist, classist logics of surveillance—investments which are spiritual, psychological, and material (via family financial vehicles).²⁶ Even in my most recent work, even in articles like this one, I notice the ways in which citing complicity has increasingly begun to feel quite routine and comfortable²⁷—presenting (yet) another site for my/our own performances of guilt, refuge, and capital that are defanged from genuinely committed self-critique and action.²⁸ It is in these moments that



Example of anti-surveillance makeup forms. Screenshot from Adam Harvey Studio official website.

the mirror reminds me of my obligation to forever align myself with traditions of total treachery, subversion, and redistribution—what I see as inherently trans ways of moving through the world. In the words of my beloved friend manmit singh, "Transness resists capture, rejects coherence, and remains suspended in a state of instability and irreconcilability"—teaching us "to unsettle anti-Blackness, anti-Indigeneity, Islamophobia, [wealth hoarding] and brahminism through the destabilizing of one's very existence"—that allows us to "end the world as we know it."²⁹

V. "WE GO AROUND YOU"

More than a decade ago, artist Adam Harvey released the *C. V. Dazzle* project—a documentation of the practice of anti-surveillance makeup, cosmetic looks that intentionally deploy saturated and cubist forms to evade biometric recognition.³⁰ Taken up by makeup artists around the world, Harvey's creative finesse also suggests rerouted modes of resistance to the ever-increasing

project of trans (hyper)visibility. At its inception, the foremost goal of my project was to urge a reconsideration of the false promises of trans inclusion within the panoptic lens, given the brahminical, colonial, and techno-deterministic calculi of "visibility." In this way, the enduring staged makeup shots perhaps dovetail well with avant-garde feminist/queer video art from the 1970 to 1990s. Many of these subversive pieces emerged against the backdrop of the crises of HIV/AIDS and the gendered chauvinism of a Western political class—for instance, Lydia Benglis's *Female Sensibility* (1973), Valie Export's *Remote Remote* (1973), Shigeko Kubota's *Video Poem* (1976), Carolee Schneemann's *Up To and Including Her Limits* (1976), Stephen Varble's *Journey to the Sun* (unfinished), and Pattie Chang's *Fountain* (1999)—all centered on the intention to reverse the (dominant) gaze.³¹ However, inspired by the beauty practices of Harvey, I am left wondering whether it is truly possible (or even worthwhile) to reverse the surveillant



The centerpiece of *Eternity in a Millisecond*, which invited viewers to “take an offering. Leave an offering. Be an offering” upon a mirror-altar. Photograph by Bhargavi Garimella.



Still from *All Eyes on Us*, 2023.

gaze. That is, perhaps an attempt to “watch the watchers” is not our only counter-praxis. Perhaps the piety and gravitas of making ourselves holy in the mirror, and nowhere else, is elusive and potent on its own.

Now, in my work and everyday life, I seek to offer an alternate understanding of trans life in its minutiae, in the smearing of a single stroke of mascara and the stain of an overzealous lipstick—rituals

simultaneously so small and so infinitely meaningful that they resist legibility and capturability in their own right. In those private moments deemed unremarkable by the omniscient algorithmic eye, we speak multitudes and breathe universes—bending, twisting, and rewriting ourselves in “a language that can never be understood,” as akka³² Grace Banu writes, by any stochastic model or biometric

31 This radical strand of feminist filmmaking originates in early twentieth-century resistance to ethnographic cinema. See Fatimah Tobing Rony, *The Third Eye: Race, Cinema, and Ethnographic Spectacle* (Durham, NC: Duke University Press, 1996).

32 akka is a Tamil term that means “older sister,” a term which I lovingly use to describe Grace, whose love, kinship, and brilliance has taught me infinite amounts.

33 Grace Banu, “November 20, Resolution to observe Transgender Day of Remembrance as the Day of the Deceived,” in *Thirunangai Grace Banu vin Sindhanaikal* (Queer Publishing House, 2023).

34 @vqueer, Instagram post, July 18, 2022, <https://www.instagram.com/p/Cg-JkAiQvFKa/?igshid=YjVjNjZ-kNmFjNg==>.

tool.³³ May we “pay attention to the hijra,” as theorist Vqueeram Aditya Sahai urges, learning from their resilient glamor that “[t]rans beauty is rightly transcendental. It comes after the world has ended.”³⁴ While we sit in (my/our) inescapable complicity and violence within the brahminical, settler-colonial, capitalist world order, may we also always remember that to be trans is to be treacherous. It is to be cryptic, to be Robin Hood, to paint our faces in the dark, and to always remember that a piece of the world—with all its biometric technologies, violent gazes, and right-wing surveillance states—dies in the quiet solitude of the mirror every day.

Indebted to Bhargavi Garimella, Gabi Maduro-Salvarrey, and Adrian Hackney for teaching me glamor and love; to Julie Mallozzi and Pauline Shongov for their transformative filmmaking pedagogy; and to manmit singh, Alexis Queen, Afiya Rahman, Eden Fesseha, Allanah Rolph, & Maya Woods-Arthur for their undying support throughout this piece’s writing. ♦

Poem

Purbasha Roy



Cooper Hewitt, Smithsonian Design
Museum, Public domain, via Wikimedia
Commons

Antonym of ‘Do the needful and stop thinking of returns’

How innocent of me to think of kitchen-jobs and laundry now. Is this the way to give indifference a few extraneous breaths. Does this makes a coward of my senses, or this is the entangled physics I was spoonfed. The way herbal dye is by my hair. Changing eumelanin's DNAs coil-by-coil. The wind have altered directions. I was on my knees for a long time. Now, they hurt. So, I raise my body like an undrooped flag. My body: a country. I dream to have full acclamations on it. Its affectances. Like the camphor smell on the surfaces it touches. No matter if it's outlandish like rotten potato rind. I want my mouth to understand sitting in the cover field of just. My mouth wearing silence in its navigations of false peace and endless nights of porous warmth. It should practice surrender to fonts that open themselves only to true songs. It would be then, my mouth would learn how to help, stop the dying of body parts, braided to something gorgeous in a parasitism symbiosis. Whole my life I have waited for someone to make me understand what I want to convey. And how to do that greedless. Beyond wondering what mess it does to me or others. I am done standing on thunderbolt branch of acceptance. Frail and vulnerable. A little of me always burning. That the world stays dazed as soft light



"I am
no longer
ACCEPTING
I cannot
change"

Continuing Family Policing Scholarship from the Bed



Victoria Copeland recently graduated from UCLA with a PhD in social welfare, and is an ardent advocate of family policing abolition. She became deeply sick following her graduation, requires expensive around-the-clock care, and lost her voice in January. Below are thoughts she arranged over these last several months followed by an exchange we had over text about being sick in America or perhaps, better stated, how academia and America are political projects that produce our sickness in many ways.

I was told I have an energy limiting disorder and an autonomic nervous system disorder—basically my fight or flight response never turns off and hasn't since I was 19, maybe even before then. Did you know your nervous system is responsible for eating, breathing, resting, and digesting? Yeah mine doesn't work so instead it's always ducking, dodging, fighting, freezing, and fleeing.

These systems steal your energy. Your energy is your life force. It steals it while also scraping away at the bits of your psyche left, without any remediation. Fuck all of these systems.

Where the fuck do we go for peace? I have looked people straight in the eyes all my life while being called slurs and being told my life didn't matter, but I didn't care because I wasn't dependent on them for my livelihood. At the peak of my medical travesty—as I am continuously grasping onto life that is not a life and a life that is not promised for the next hour—I am being told by twenty doctors

that my life really DOESN'T matter. So who is gonna save me when I cannot save myself anymore?

Funny that we can keep records and records on families but doctors still fail to diagnose a very simple nervous system disorder for over twelve years.

I have only found encouragement from other disabled people who find new ways to support without extraction and without expectation beyond reciprocation. It's because we know we are always in a time of need. Always. And this is where we have got it wrong in society. We expect people to have needs for a week max and that the support systems will save us otherwise. Non-disabled community has opted out of community for capitalism's sake.

What do you say to someone with no community to rely on?

Where is home when we cannot feel safe in our own flesh and bones? When we can feel poison in our bodies, but no one else can? When the world needs to "see" to believe but then fails to look at

you? Where can we feel safe in our own bodies? White people made "brave spaces" and "safe spaces" all to keep opting into the same harmful shit that kills us. Fuck you.

People don't know what to do with human suffering so they ignore it. Even those who are supposed to be doing that "good" work. How do you scream "this is what community looks like" while unmasked, spewing COVID venom all over your comrades, potentially causing them permanent disability? Y'all can have that.

Legacies of eugenics. Hospitals filled with police on top of stolen land. Doctors saying, "Your labs look okay." These fuel my nightmares. My body is a source of labor and relational extraction. My body wants healing. Chasm.

I'm seeing a therapist now. My trauma comes from every source like how light refracts. My triggers at this point include existing. Now I have to slowly undo the chains that are tying me down for a rate of \$150 a month on Talkspace.

—Victoria Copeland

Thu, Jul 20 at 4:09 PM

Hey Khadijah to be transparent I have not been able to work on the logics interview due to health and just fucked up home shit. Was hoping to do it when I get to Vegas next week. I'm not sure what to respond with via email about the word count

(I also hope you're doing better!! I should've started with that my b.)

Fri, Jul 21 at 7:24 PM

heyyy i have been through the most traumatizing series of hospitalizations and unspeakable pain since July 4 that #relatable

Fuckkk ® a NIGHTMARE

I want to leave space for you to simply not do this at all if you just don't feel the spoons but i also want to say if you want to do some very short commentary that's like 1k or less words that would also be amazing

I think I can make that work yes! I really need the \$ and I was actually so excited to get to publish in the mag But uhm are you ok? Out of the hospital?? I mean "ok" as in not dying but I know you're probably not okay

like i just want your life in here and i think you know not on no extraction shit but you the real

Thank you that really means so much

...imho this was the most traumatizing thing i ever went through in my adult life for no reason and it wasn't even my own health that was traumatizing, but the shit i saw and lived through in these hospitals was...so meditate on it, if we get to the finish line and you ain't gave me shit it's all good, you set up as a vendor and when the feeling hits we can pay you for another issue

but if you have some shit that hit you at 3 am send that raw, like i wanted it before but after what i just survived i need all the crippled in here!

Okay I will

Really same. Like I was def disabled before and knew shit was bad always but FUCCCCCK some situations really hit different

And okay I won't. This has been helpful to hear! So I appreciate it

but just don't let it stress you, promise.

at one place they had my face next to some kind of psych ward cop thing. it was so triggering i was left in pain for 15 hours writhing and then watching kids like me being dragged into this room by cops and carted out in a stretcher unconscious.

YEAHHHH I BEEN IN THAT SAME POSITION one of these bitch ass hospitals forced me to use to bathroom in the psych prison and oh my fucking gawd!!!!

my trauma has trauma

That's so fucking terrible. The hospitals trigger me so much now. They're really fucking terrible places. I haaaaate doctors

Just all of it. Throw it away no one should be subjected to them

but especially the sick! They were def made for "healthy people" who have a sniffle cuz ain't no way. Ain't no fucking way

My partner is not emotional and not a crier and I never seen this man cry so much after experiencing the hospitals with me

yeah my partner has been really driven to the emotional edge by this and he's very cool headed compared to me but i left AMA last night after they encircled him with police to get me out.

The hospitals are so heavily policed!!!!!! That's so fucked up

Idk man it's so heavy. The trauma from it just hits different

And they will never be held accountable

as someone who grew up institutionalized this was literally like re-living institutionalization.

I cannot even fathom how much that made you feel.

I just want to go homeeeeeee

and people have to literally just deal with it cuz there's nothing systemically better right now.

america is so fucked

America is a fucking nightmare

the levels of relief I feel when i'm not here

I really wish I could not exist here haha like my friend in India's care is superb. Not perfect but so much better and she's healed so much. Even friends in Berlin are doing better

America is a fucking NIGHTMARE it's a death sentence.

India is antiblack AF butttt you basically can get whatever you need if you pay for it and for american dollars you can afford everything also just nowhere is the same with this policing shit.

Yeah here you get the anti blackness, police, a heavy bill, fucked up insurance bs, and no adequate treatment LMAO Like so I'm just paying hundreds of dollars for trauma? ok

Yesterday 2:29 PM

i hate my rollator. I also learned that i hate acupuncture which made the pain worse.

I'm soooo sorry. Lol I miss my Walker so much highkey I be wanting to jump off this bed so much. hope those injections relieve some of the pain cuz damn.

we're trying to buy a farm and just escape in all seriousness and this was before i got sick

THE DREAM like for real.

leaving america and coming back, it's like omg get me out of here, immediately. the antiblackness is so unhinged even how high yellow i am

Its fucked up bitch now you trapped in your body and the US. Imaoo

plus i got this arabic name i'm cursed here

They really hate you Imaoooo you have to change your name to Katy Abrams HA

you know this could be the interview we could just publish this exchange lol

It's all true tho

because i want this chronically ill reality to be in the world and i also have a fraught relationship with disability studies and organizing; and, also the academy is making everyone sick but we don't know no doctors. i know a million academics and not a single doctor, some bullshit

I'm sitting here with an ice pack on my heart bc I refuse to believe I'm having a heart attack. I don't wanna go to the ER because the ER here has hella police and is where they make me use the psych prison bathroom amongst other traumatic shit that has happened there. AND im stressed because the air ambulance company needs \$40,000 by TODAY and I just got that in loans but the bank won't let me wire it unless I go to the branch in person (how sway) So yeah fuck this LMAO

the "you can only come in person thing" is wild when meanwhile these institutions are so flexible when it comes to getting their bread. But when it's a life or death emergency and you need to be airlifted you need to get off your death bed to go to a brick and mortar branch. it would be funny if it wasn't real.

LITERALLY. And when I have my mom call who is my power of attorney they always want my vocal consent. I HATE it here. I'm tired.

also being sick is so boring and exhausting at the same time. I just want to go about my life.

It is literally the most boring fucked up shit. I'm so tired of being tired. And my mind still works that's what's fucked up HAHAHA.

and the idea that doctors have that anyone would make up symptoms to be in their shithole countries (which is what these hospitals are) is so amazing to me, like have y'all been to a hospital?

LITERALLLLLLLLY! Why the FUCK would I want to make shit shit up fam. You don't want me here, I DON'T want me here. Let's help each other out.

EXACTLY. Now that they took me off of what was basically medical grade heroin, I have my brain back. No one explained to me what dilaudid was before placing me on a dilaudid pca machine (patient controlled analgesia pump).

that is so crazy. Wtf is going on with your back? and re: dilaudid oh hell yeah absolutely not, though you were def in hella pain.

no one has any answers for me, they just keep saying I need to find a super neurologist. lol where they at?

Omg I hate neurology. Tbh the worst specialists. In my experience haha. Lol they're always like "wow you're sick did you go to the hospital". Like yes bitch they sent me to you and I'd like to get off this ride so...

twinsies. how do we get off this ride? if these facet injections work, I at least can function a bit for 3 weeks as that's how long they worked last time. but it doesn't resolve any other symptoms that seems to be getting worse each day. and the most i get from these doctors is "damn you look sick". or "you're perfectly fine" as if i have always been in a walker, had difficulty seeing and legs swollen with fluid plus bruising everywhere. anyway dif than your situation but same dynamic i'm trying to crack the code because this is not life.

Yeah I'm glad they give you some reprieve cuz non stop pain is literally so fucking terrible . But I just don't understand the refusal to look for root causes. Doctors just never want to be wrong or have too much ego to admit when they don't know. But if they do admit it, then they are too scared to try to figure it out bc of liability. It makes it more frustrating that the doctors here refuse to talk to each other or look at the entire body. Academia is so fucking gross for creating disciplines and then literally having insane tunnel vision be of it.

what i find funny is that basically every doctor in the last hospital was indian or pakistani and all the patients were black and dominican or puerto rican—south asia managing our social death.

Honestly that's triggering. Exactly, There's nothing worse than watching other black people suffer with you also suffering

It really does something to you

it really does my ptsd is on fleek. for the first time in my adult life i feel like i relived residential school, esp at mount sinai where cops kept dragging black autistic people into the psych ward for just doing odd things like stacking ice cups but not bothering nobody

Omggggg that's supposed to be such a good hospital too. I had to leave Johns Hopkins emergency room because it was sooooo bad. Ppl bleeding out and screaming. All black people. Wait was 24hours...Then you get to go home still sick and literally just thinking about mass suffering. But #wehopeyoufeelbetter.

Smh.

the level of compassion white people receive juxtaposed to our disposability is too much. like put it on another floor at least so at least i don't have to see it.

Idk why they think we don't want to live our regular peaceful lives. All black ppl want is peace like ????

the racial politics of hospitals is off the chains tho esp when i compare it to the profound validation i feel with indigenous black healers in africa. across the board— whatever their limitations— you feel validated, loved and your family/ friends are welcome.

It's really that easy to feel cared for.

there's no police at all, like it doesn't exist in their epistemological universe .

It's such an American ass concept. Unsurprising as fuck bc everything that touches academia/the university here is rotten as fuck

this country is seriously fucked i'm also eating shit here, we eat fresh food all day long, like default back home

You will die off the food here alone. And fresh food here is expensive as fuck. And no one teaches you how to farm. But also the soil is fucked bc America is fucked. Hate it lmao just hate it

Also the way they treat farmers here. Throw it all away!!!!

...It really is crazy how disability at this level bends time. Like days go by so slow but so fast. Deadlines are apparent but also mean nothing. Urgency is something completely different bc you have to be hyper focused on your body to make sure you're not immediately dying without being hyper focused on your body to the point you're constantly surrounded by the thought of pain and grief idk. Disabled people time travel, it's super heavy tho.

^^^this is super real and i have so much thoughts on this because we be time traveling, so do people using substances and they hate us all, they want us to be on white segmented time which is killing us. but i have to eat right now so imma circle back to you fam i love you so so so much.

Absolutely. I love you so much.

and this sucks and i love that you are as hateful of this shit as i am because i hate it here

Solidarity HAHAAH. Now eat and rest.

I don't want to be valued for my work, I want to be loved unforgettably because I am made of flesh + blood, I am human and deserving. I want to live in a world that gives abundantly, shares unselfishly, and knows no extraction, one that does not operate on scarcity.

6/12

I have ~~suffered~~ ^{immense} loss and I have ~~drawn~~ ^{others} in my anguish.

What do we rob ourselves of by giving into pervasive despair?

my headache will not rile me...

6/13 EMERGENCY ROOMS ARE WHERE HELL; HEAVEN MEET.

6/14 ARUNACON, VA

Some days are for rage, fury, and night.

Other days are for weariness, quiet, emptying



Mowing the Lawn

The Genocide Industry

Ed Ongweso

IN JULY 2014, Israel dropped leaflets into Shuja'iya, a densely populated residential neighborhood in Gaza City, warning that the IDF would be attacking soon and residents should evacuate. Eleven artillery battalions—at least 258 artillery pieces—rained down over 7,000 explosive shells (nearly 5,000 were within seven hours), alongside a ground assault supported by armored cavalry, helicopters firing rockets, and F-16s dropping bombs.

“The only possible reason for doing that is to kill a lot of people in as short of a period of time as possible,” said one senior US military officer quoted by *Al Jazeera America*. “It’s not mowing the lawn. It’s removing the topsoil.”

On July 20, nearly one hundred people were killed in Israel’s attack. Eran Efrati, a former Israeli soldier, was arrested days later after sharing details gleaned from interviews with soldiers there who claimed the military was deliberately targeting civilians as “punishment” and “retribution” for the deaths of fellow Israeli soldiers.¹

The IDF took to Twitter that day. In one thread, it insisted the assault was necessary because Shuja'iya was a “neighborhood for civilians, fortress for Hamas terrorists.”² Earlier, the IDF had tweeted: “Days ago, we warned civilians in Shuja'iya to evacuate. Hamas ordered them to stay. Hamas put them in the line of fire.”³

1 Democracy Now! “The Untold Story of the Shejaiya Massacre in Gaza: A Former Israel Soldier Speaks Out.” November 16, 2023. http://www.democracynow.org/2014/9/12/the_untold_story_of_the_shejaiya.

2 Israel Defense Forces [IDF]. “Shuja'iya: Neighborhood for Civilians, Fortress for Hamas Terrorists. <http://T.Co/HUuAK->

vDuWN.” [Twitter](https://twitter.com/IDF/status/490833439222804481), July 20, 2014. <https://twitter.com/IDF/status/490833439222804481>.

3 Israel Defense Forces [IDF]. “Days Ago, We Warned Civilians in Shuja'iya to Evacuate. Hamas Ordered Them to Stay. Hamas Put Them in the Line of Fire.” [Twitter](https://twitter.com/IDF/status/490805771592933376), July 20, 2014. <https://twitter.com/IDF/status/490805771592933376>.

- 4 Abunimah, Ali. "'Mowing the Lawn': On Israel's Latest Massacre in Gaza and the Lies behind It." *The Electronic Intifada*, March 11, 2012. <https://electronicintifada.net/blogs/ali-abunimah/mowing-lawn-israels-latest-massacre-gaza-and-lies-behind-it>.
- 5 Inbar, Efraim, and Eitan Shamir. 2014. "Mowing the grass in Gaza." *The Jerusalem Post*. <https://www.jpost.com/opinion/columnists/mowing-the-grass-in-gaza-368516>.
- 6 IMEU. "Putting Palestinians 'On a Diet': Israel's Siege & Blockade of Gaza | IMEU." <https://imeu.org/article/putting-palestinians-on-a-diet-israels-siege-blockade-of-gaza>.
- 7 Balousha, Hazem, and Oliver Holmes. "Human Waste Spills on to Gaza's Blacked-out Streets as Crisis Looms." *The Guardian*, May 16, 2021, sec. World news. <https://www.theguardian.com/world/2021/may/16/human-waste-spills-on-to-gazas-blacked-out-streets-as-crisis-looms>.
- 8 Marsh, Laura Paddison, Rene. "Gazans Forced to Drink Dirty, Salty Water as the Fuel Needed to Run Water Systems Runs Out." *CNN*, October 24, 2023. <https://www.cnn.com/2023/10/24/middleeast/gaza-water-war-climate-intl-cmd/index.html>.
- 9 Hudson, John, Claire Parker, and Louisa Loveluck. "US Seeks Gaza Aid, Safe Zones as Israeli Invasion Looms." *Washington Post*, October 18, 2023. <https://www.washingtonpost.com/world/2023/10/16/israel-gaza-hamas-border-cease-fire/>.
- 10 "Water Resources of the Occupied Palestinian Territory." *United Nations*, 1992. <https://www.un.org/unispal/document/auto-insert-197919/>.

The phrase "mowing the lawn"⁴ has long been used as shorthand for Israel's strategy toward Gaza: bursts of horrifying violence—collective punishment of Palestinians for Hamas operations—followed by periods of "calm" where survivors are left to clear the rubble and bury dead civilians, rebuilding a diminishing proportion of their ailing infrastructure while Israel commits to deepening its occupation, expanding its settlements, and bolstering its apartheid regime.⁵

The latest assault on Gaza, as well as every other, is part of a strategy that has worked well for the state of Israel for a long while now. Outright genocide—depriving Palestinians of political rights, segregating Palestinians into ghettos, rounding them up into camps, and systematically killing as many as possible over the years—is supposedly out of the question. Instead, it has settled for a slower sort of violence—segregating Palestinians into open-air prisons and strangling their access to clean water or electricity or food so that Palestinians can be "put on a diet"⁶ while enduring successive waves of military campaigns that continue mowing the lawn.

There are two components of this strategy worth focusing on given the—as of this column's completion—looming threat of yet another invasion: water and technology.

On the second day of Israel's latest bombing campaign against Gaza, it cut off water access for 2.4 million people. Six days of bombing followed before Israel announced it would "resume" water access to just the southern strip of Gaza. The northern strip—where over a million people are trapped—has been given an evacuation order as Israel bombs hospitals, homes, ware-

houses, and key infrastructure, and so will not have its access "re-summed." Nonetheless, the damage has already been done.

For starters, it's unlikely the water supply can actually be "re-summed," if the numerous campaigns launched against Gaza since 2008 are any indicator. In May 2021, an eleven-day Israeli bombing campaign on the Gaza Strip destroyed water pipes and power lines, leaving water pumps, desalination plants, and waste facilities in desperate need of repairs and unable to operate as sewage and waste spilled into the streets and the water supply.⁷

Palestinians are digging wells⁸ near the sea in the wake of Israel's bombardment of Gaza, drinking from the territory's only aquifer, which is not only increasingly depleted, but contaminated by seawater and sewage, and in some cases drinking from IV bags.⁹ The bombing has shut down Gaza's only power plant, cut power lines, ruptured water pipes, and left waste facilities inoperable. Again. On top of all this, Gaza's water has already been undrinkable for decades thanks to the Israeli bombing campaigns that have effectively sabotaged the supply thanks to constant power shortages, perpetual displacement and encroachment, outright destruction of water processing and distribution infrastructure, over-extraction of water resources, water pollution, and an ongoing blockade that prevents humanitarian aid from bringing in more supplies.

Israel Military Orders 58, 92, 158, and 291, issued between 1967 and 1968, give absolute control over all issues concerning water in the West Bank and Gaza to the Israeli army, prevent the construction of any new water installations without a permit (at risk of confiscation), allow arbitrary rejection of applications for said permits, and

"Palestinians are digging wells near the sea in the wake of Israel's bombardment of Gaza, drinking from the territory's only aquifer which is not only increasingly depleted, but contaminated by seawater and sewage, and in some cases drinking from IV bags."

- 11 Amnesty International. "The Occupation of Water," November 29, 2017. <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water/>.
- 12 ICN. "Report Charts Israeli Policy of Water Deprivation in West Bank," May 29, 2023. <https://www.indcatholicnews.com/news/47266>.
- 13 "Parched: Israel's Policy of Water Deprivation in the West Bank [EN/AR/HE] - Occupied Palestinian Territory | ReliefWeb," August 12, 2023. <https://reliefweb.int/report/occupied-palestinian-territory/parched-israels-policy-water-deprivation-west-bank-enarhe>.

nullify any previous arrangements concerning water resources.¹⁰ In 2017, fifty years after the first of these proclamations, Amnesty International reported some 90-95 percent of Gaza's water was "unfit for human consumption."¹¹

Freshwater transfers from the West Bank, along which the Jordan River runs, could ameliorate this situation, but they are prohibited. Instead, Mekorot, a state-owned Israeli water company, has been allowed to cultivate its own expansive water system that redirects the vast majority of these resources to Israel and its illegal settlements in the West Bank. Additionally, the Israeli army uses military training and exercises as a pretense to displace Palestinians in the West Bank and take control of water sources,

leaving many rural communities with no access to water. A May 2023 report reveals Israelis enjoy 247 liters of water a day per person while Palestinians use 82.4 liters per person, but in rural communities that number plummets to 26 liters ("much like the average in disaster zones").¹² In 2020, the report finds, Israelis consumed ten times the water Palestinians in the West Bank did despite having a population that is only three times larger. ninety-two percent of Palestinians store water in rooftop containers in the event of shortages.¹³

•

Technology is central to the efforts of Israel to preserve its apartheid regime, advance its genocidal pol-

icies, and avoid flak for either. The most obvious examples to start with are the actual weapons themselves.

One journalist shared a photo of a missile that had hit Gaza, which had a sticker showing it was created by Woodward, an arms manufacturer located in Fort Collins, Colorado.¹⁴ Since the photo circulated, the arms manufacturer seems to have gone dark on social media. This tracks with the Pentagon's decision to divert weapons meant for Ukraine to Israel, among them thousands of 155-millimeter artillery shells—last used by Israel to "mow the lawn" in 2014 when it invaded Gaza. In a recent *Washington Post* op-ed, Josh Paul—former director in the State Department's Bureau of Political-Military Affairs—reveals that he resigned his position because it became clear US arms would be given to Israel despite its long track record of killing civilians.¹⁵

"Sure enough, Israeli requests for munitions started arriving immediately, including for a variety of weapons that have no applica-

- 14 رديح [@dialectichiphop]. "From a Journalist in Gaza- the Missiles Raining down Are American Made, by Arms Manufacturer Woodward, Located in Fort Collins, Colorado. A Reminder of How All Settler Colonial Violence Is Inter-dependent. <https://t.co/zG-m1QIawrC>." Tweet. [Twitter](https://twitter.com/dialectichiphop/status/1716444004512899354), October 23, 2023. <https://twitter.com/dialectichiphop/status/1716444004512899354>.
- 15 Paul, Josh. "This Is Not the State Department I Know. That's Why I Left My Job." [Washington Post](https://www.washingtonpost.com/opinions/2023/10/23/state-department-quit-israel-arms/), October 24, 2023. <https://www.washingtonpost.com/opinions/2023/10/23/state-department-quit-israel-arms/>.
- 16 "Who Profits - The Israeli Occupation Industry - Elbit Systems." Who Profits - The Israeli Occupation Industry - Elbit Systems' Complicity in the Assault on Gaza 2014. <https://www.whoprofits.org/publications/report/105?elbit-systems-complicity-in-the-assault-on-gaza-2014>.
- 17 See: "Thanks to Gaza Protests, Israel Has a New Crop of 'battle Tested' Weapons for Sale." +972 Magazine, July 2, 2018. <https://www.972mag.com/thanks-to-gaza-protests-israel-has-a-new-crop-of-battle-tested-weapons-for-sale/>; [Reuters](https://www.reuters.com/world/asia-pacific/thailand-signs-contract-buy-israeli-made-hermes-900-drones-2022-09-21/). "Thailand Signs Contract to Buy Israeli-Made Hermes 900 Drones." September 21, 2022, sec. Asia Pacific. <https://www.reuters.com/world/asia-pacific/thailand-signs-contract-buy-israeli-made-hermes-900-drones-2022-09-21/>; Abunimah, Ali. "Swiss Army

bility to the current conflict. These requests deserved the attention we would pay to any large arms package, and I urged a frank discussion," Paul wrote. "My urging was met with silence—and the clear direction that we needed to move as fast as possible to meet Israel's requests."

Israel spent \$23.4 billion on its military in 2022, about 4.5 percent of its GDP—per capita, it has become the second-largest spender on its military, ahead of America but behind Qatar. As *Al Jazeera* reports, the last few years (2018–22 specifically) have seen weapon imports (\$2.7 billion from America and Germany over that period) eclipsed by weapon exports (\$3.2 billion to thirty-five countries). The past few years, in fact, have seen record arms sales for Israel, so this begs the question: What is driving that boom in Israel exports? As Antony Loewenstein reveals in his book *The Palestine Laboratory*, it is the occupation of Palestine.

"Palestine is Israel's workshop, where an occupied nation on its doorstep provides millions of subjugated people as a laboratory for the most precise and successful methods of domination. Israel as the ideal ethnonationalist model is reliant on being able to commercialize this message," Loewenstein writes. "Although some countries want Israeli arms or technology just to spy or disrupt dissident behavior and have no interest in building their own ethnoreligious entity, many others buy into the myths about Israeli racial supremacy and want to emulate it in their own countries. Israel's defense industry is amoral because that's how it grows. It will sell to anyone except for official enemies like North Korea, Iran, or Syria."

The growth of Israel's military-industrial complex is seen as a great success, creating a valuable asset with little political or financial cost that ensures it will enjoy geopolitical and economic centrality for years to come. As the planet's climate worsens and states respond by ghettoizing themselves, building "higher walls and tighter borders, greater surveillance of refugees, facial recognition, drones, smart fences, and biometric data-

bases," they will turn to countries like Israel that have had practice occupying, dominating, and, when the need arises, outright killing unruly elements of the population.

To take one small but expansive example, look at the largest military contractor in Israel: Elbit Systems. Elbit provides 85 percent of the Israeli drone and land-based equipment, but 80 percent of its market is outside of Israel, meaning it is both integral to the domestic industry of training technology on Palestine as well as to the global industry of importing surveillance and control tech in anticipation of social unrest.

Early in his book, Loewenstein talks with Andrew Feinstein, a former South African politician turned journalist who studies the global arms trade. In 2009, Feinstein shared that at the Paris Air Show, the world's largest aerospace industry and air exhibition, he saw a promotional video showcasing killer drones Elbit tested in Gaza and West Bank—the video itself featured a drone assassination.

This, however, did not stop Elbit from advertising its drones, nor from enjoying at the time its then-greatest increase in profit,¹⁶ nor from taking advantage of the 2014 Gaza War and the 2018 Great March of Return to market its "battle-tested" arms further, nor selling the drones to other countries since, nor from winning military contracts with countries like the United Kingdom.¹⁷

Elbit Systems has been important in the US in other ways. In 2002, it won a contract to build a "smart" fence between Jerusalem and the West Bank as part of its illegal separation barrier.¹⁸ In 2009, Norway's government pension fund divested from Elbit Systems because of the "unacceptable risk of contribution to particularly serious violations of fundamental ethical norms."¹⁹ In 2017, Israel

began building a new Gaza wall that would include above- and below- ground barriers for which Elbit Systems would provide electronic sensors.²⁰ In Gaza, it has deployed ground-based robots and explored autonomous armored vehicles, both remotely controlled and packed with cameras, sensors, and weapons.²¹

These border-control systems have found eager clients overseas, specifically in America's own workshop: its border with Mexico. The *Intercept* reported on a \$26 million contract with the Customs and Border Protection agency to install 160-foot surveillance towers "capable of continuously monitoring every person and vehicle within a radius of up to 7.5 miles."²² Ten of them would be placed across the Tohono O'odham reservation, along Arizona's border with the Mexican state of Sonora.

In an interview with Bobby Brown, senior director of Customs and Border Protection at Elbit Systems of America, Brown told the *Intercept* that the ultimate goal was to "expand not only to the northern border, but to the ports and harbors across the country."

Water and technology are central for a few reasons.

First, it is hard to deny the intentionality of their design or the insidiousness of their use in Palestinian apartheid and genocide. Israel controls the water Palestinians need, stealing it, poisoning it, and selling some back to them. Israel exports technology that is developed by occupying and terrorizing Palestinians, selling it to other countries wishing to do the same to their subjects or inspired to do so by Israel's track record.

Second, as the periods of mowing the lawn and "calm" cycle over and over, these two tend to get overlooked.

With regards to water, the system is insidious not only for its direct consequences but for its indirect ones. Explicitly, it imposes strict, inhumane quotas on Palestinians whom it occupies, seizes and overexploits their water sources for itself, and denies access to as well as sabotages water infrastructure—stealing and poisoning most of what exists, then selling scraps at exorbitant prices back to Palestinians. Implicitly, it muddies the discussion and expectations as we talk about Palestinian water as if it is each particular crisis that denies the Palestinians water instead of Israel's commitment to this genocidal strategy. Just as calls for ceasefire without the end of the occupation, apartheid, and genocide miss the mark, so too do calls for access to water that do not start with the recognition that Israel enjoys total control over Palestine's water and has long used it to slowly poison and kill as many Palestinians as possible.

With regards to technology, the growth of an industry that directly profits from occupation at home and abroad, again there is a depravity and immorality that is hard to confront. That Israel has grown its arms sector into an indispensable node in the global industry by testing its weapons on an occupied population is of no concern to countries that have already occupied or are anticipating an occupation of some population. Whether it be clients in the form of governments, police departments, border agencies, or militaries, such relationships create armies of eyes that will look away when Israel continues its occupation—and who look on with inspiration before bringing the lessons back to bear at home. ♦

Knives Palestinians with Israeli Drone Deal." Text. The Electronic Intifada, June 12, 2014. <https://electronicintifada.net/blogs/ali-abunimah/swiss-army-knives-palestinians-israeli-drone-deal>;

"Opposition Grows against Canada's Decision to Buy Drones from Israel." *Peoples Dispatch* (blog), March 18, 2021. <https://peoplesdispatch.org/2021/03/18/opposition-grows-against-canadas-decision-to-buy-drones-from-israel/>; "Elbit Systems D-JFI For British Armed Forces." *Joint Forces News* (blog), January 21, 2021. <https://www.joint-forces.com/defence-equipment-news/39676-elbit-systems-d-jfi-for-british-armed-forces>.

18 Reuters. "Elbit Systems Wins Deal to Build Jerusalem Electronic Fence." *Haaretz*, September 18, 2002. <https://www.haaretz.com/2002-09-18/ty-article/elbit-systems-wins-deal-to-build-jerusalem-electronic-fence/0000017f-f058-d223-a97f-fddd0cb70000>.

19 BDS Movement. "Norwegian Pension Fund Divests from Israeli Military Giant Elbit," September 3, 2009. <https://bdsmovement.net/news/norwegian-pension-fund-divests-israeli-military-giant-elbit>.

20 Ryan, Missy. "Israeli Official Bets Advances in Anti-Tunnel Technology Will Secure Gaza Border." *Washington Post*, October 26, 2021. <https://www.washingtonpost.com/news/checkpoint/wp/2018/03/06/israeli-official-bets-advances-in-anti-tunnel-technology-will-secure-gaza-border/>.

21 Reed, John. "Israel's Killer Robot Cars." *Foreign Policy* (blog), November 20, 2012. <https://foreignpolicy.com/2012/11/20/israels-killer-robot-cars/>; Israel Defense. "The Challenge: Mission Intelligence for UGVs," August 18, 2017. <https://www.israel-defense.co.il/en/node/30764>.

22 Parrish, Will. "The US Border Patrol and an Israeli Military Contractor Are Putting a Native American Reservation Under 'Persistent Surveillance.'" *The Intercept*, August 25, 2019. <https://theintercept.com/2019/08/25/border-patrol-israel-elbit-surveillance/>.



Why Everyone Hates the Electronic Health Record

Histories and Futures

Dharushana Muthulingam

They tell you that injustice is part of some grand plan.
And that's what keeps you from rising against it.
—Shehan Karunatilaka, *The Seven Moons of Maali Almeida*

PATIENT R WAS IN A HURRY. I signed into my computer—or tried to. Recently, IT had us update to a new 14-digit password. Once in, I signed (different password) into the electronic medical record. I had already ordered routine lab tests, but R had new info. I pulled up a menu to add on an additional HIV viral load to capture early infection, which the standard antibody test might miss. R went to the lab to get his blood drawn.

My last order did not print to the on-site laboratory. An observant nurse had seen the order and no tube. The patient had left without the viral load being drawn. I called the patient: Could he come back?

Healthcare workers do not like the electronic health record (EHR), where they spend more time than with patients. Doctors hate it,¹ as do nurse practitioners, nurses, pharmacists, and physical therapists. The National Academies of Science, Engineering, and Medicine reports the EHR is a major contributor to clinician burnout. Patient experience is mixed, though the public is still concerned about privacy, errors, interoperability, and access to their own records.

The EHR promised a lot: better accuracy, streamlined care, and patient-accessible records. In February 2009, the Obama administration passed the HITECH Act on this promise, investing \$36 billion to scale up health information technology. No more deciphering bad handwriting for

1 Atul Gawande, "Why Doctors Hate Their Computers," *The New Yorker*, November 5, 2018, <https://www.newyorker.com/magazine/2018/11/12/why-doctors-hate-their-computers>.

- 2 Jacek Lorkowski and Mięczyński, "Medical Records: A Historical Narrative," *Bioethics* 10, no. 10 (October 17, 2022): 2594, <https://doi.org/10.3390/bioethics10102594>.
- 3 Jessie Wright-Mendoza, "The 1910 Report That Disadvantaged Minority Doctors," *JSTOR Daily*, May 3, 2019, <https://daily.jstor.org/the-1910-report-that-unintentionally-disadvantaged-minority-doctors/>.

critical info. Efficiency and cost-savings could get more people into care. We imagined cancer and rare disease registries to research treatments. We wanted portable records accessible in an emergency. We wanted to rapidly identify the spread of highly contagious respiratory illnesses and other public health crises.

Why had the lofty ambition of health information, backed by enormous resources, failed so spectacularly?

A HISTORY

Medicine narrates the beginning of medical records² with the 2,500 year-old Hippocratic corpus. These books included individual patients' courses, bearing witness, observing patterns, and preserving a teaching library for future generations. This fused with a pedagogical approach that continued with the Romans, evolving into the medical advances of the Islamic Golden Age. Physician and philosopher Ibn Sina left hundreds of medical texts, as did Maimonides, the rabbi and physician in North Africa, that shaped medicine for centuries. Each of these collections had a version of: "Treat the patient, not the disease."

While medieval Islamic hospitals operated in the contemporary sense, European hospitals were God's hotel, almshouses operated by nuns for the ill and poor. The church excluded women who were usually keepers of those traditions,

absorbing the knowledge while burning its practitioners. This effectively consolidated the church's authority. The same strategy was deployed in the church's colonial reach, extracting knowledge from other civilizations, while subjugating and erasing people. Colonization and military campaigns through the eighteenth and nineteenth centuries also brought back insight from battlefield surgery to the growing cities of Paris, Vienna, and Berlin. The almshouses became academic medical centers. The records still held knowledge and teaching: junior surgeons kept detailed notes on patients, passing these notes to the next generation.

The nineteenth and twentieth centuries' rapid industrialization, urbanization, militarization, and colonization, with its related bureaucratic expansion is—well beyond this brief history. Let's say, it takes a lot of paperwork to run empire and industry. A class of administrators grew to meet this need. State regulation also increased, requiring annual reports of hospital admissions, outcomes, and expenditures, which meant increased standardization.

DAWN OF THE FLEXNER REPORT

While medical administration proliferated, so did instruments (stethoscopes, ophthalmoscopes, thermometers) that could "perceive more deeply." This changed what constituted medical information, shifting focus from interview (emphasis on patient's testimony) to physical exam (emphasis on the clinician's observations). The charge was led by the "French school," especially Jean-Nicolas Corvisart, Napoleon's personal physician. Later, German physicians argued that we ought to center lab technology, further removing the patient's authority. Lab findings were more "pure": a *truthier truth*.

These trends reached apotheosis in the 1910 Flexner Report, which shapes US medical education to this day. Abraham Flexner was neither a scientist nor a physician. He was an educator, whose early work criticized rigid curricula and overemphasis on research. This attracted notice from the Hopkins Circle (described by a Yale medical professor as a "particularly American ... aristocracy of excellence ... not defined by one's origins or wealth, although wealth permitted the group's recommendations to be successful.") The group had just recruited William Osler, the Canadian physician fond of pithy aphorisms like "Varicose veins are the result of improper selection of grandparents." Osler continued an ancient framework: "The good physician treats the disease; the great physician treats the patient who has the disease."

The Flexner Report diverged from Flexner's earlier work, calling to *increase* standardization and scientific research in medical education. If Osler carried the tradition of centering the patient, this report was the German academic clinic, where the patient was second to professor. Funding from the Carnegie and Rockefeller foundations enabled rapid implementation of this "lab-centered" model. Of 160 MD-conferring institutions in 1904, only 66 stood by 1935. Only two of five Black medical schools remained. The report advised to continue segregation (with ongoing ramifications)³ and limiting physician numbers (scarcity was good business). This reversed the decision to admit women. Meanwhile Harry S. Plummer (a Mayo Clinic founder) urged medical records to mimic business and economic reports, with more graphs, diagrams, and lab data.

Fusing scientific methods with clinical care (and funding) did yield powerful twentieth century medical "blockbusters":

WHAT DOES RADICALLY IMPROVED HEALTHCARE LOOK LIKE?

Medicine did not start with Hippocrates, despite how medicine tells it. Even our ancient cousins the Neanderthals cared for their sick. Healing traditions are fundamental to human survival. Science is the careful observation of patterns, experimentation, and sharing knowledge. Technology, Ursula Le Guin has argued, is how a toolmaking species interacts with its material world. Which is to say, these things belong to all of us. There have always been other ways to do things.

What does radically improved healthcare look like? Mark Olin Wright once described four types of anticapitalists. Using that framework, we imagine a different healthcare based on his four strategies of change.

SMASHING THE EXISTING SYSTEM

TAMING THE CURRENT SYSTEM

ESCAPING THE SYSTEM

EROSION

When an existing system is completely intolerable, the ruptures of political revolution show glimpses of radical possibilities. There is no call to smash the healthcare system, but the COVID-19 pandemic may have been the rupture no one asked for. Despite scientific prowess and resources, the pandemic strained the American healthcare system, revealing its deep fissures, failures, hypocrisies, and instabilities. The devastating US death rate, inequality and rush to reopen commerce laid bare the state's priorities. The frightening collapse of even sophisticated healthcare infrastructure (such as in Venezuela) is not theoretical. Medication, supply, and staff shortages, as well as instability from private equity profiteering, stress the system. Arguably, there is already regional collapse in the rural United States, such as in obstetrics and maternal health. Building on the ashes, however, requires more.

insulin, surgical techniques, antibiotics, chemotherapy. More data also necessitated more data management, requiring more labor. The electronic record emerged in the 1960s. It required tediously converting paper data into punch cards, but it enabled large-scale medical research, economic analysis, and administration.

Patient R could not return. Despite concerning symptoms and possible exposure, he wasn't concerned with HIV testing. He could not get a psychiatry appointment in the four months since moving here and needed meds. The team conferred: we could run the viral test if I canceled another less critical test. Each order I canceled, and each order I entered, printed multiple pages to the lab. The tech gathered, sorted, and manually entered revisions into the lab company's separate computer system. What would

have been, years ago, a brief list written on a paper carried to the lab had become a more baffling and arduous procedure.

HOPE FOR CHANGE: SCALING THE EHR

In 2008, a young president promising hope steps into a global financial meltdown. Barack Obama was a former law professor at the University of Chicago, where he met the behavioral economist Cass Sunstein. That year, Sunstein, with Richard Thaler (eventual Nobel-laureate) published the book *Nudge*, arguing for a policy framework based on behavioral economics. Instead of heavy-handed regulations, governments should shape the "choice architecture" that individuals face, to favor more rational choices (defined by the economists). Examples: change an "opt out" choice into "opt in" (dispense plastic utensils with take-

out only if asked); or rearranging visual layouts (display water more prominently than soda). Sunstein called this "libertarian paternalism." Instead of resource-intense interventions risking fraught political negotiations, nudging offered politically neutral, no-cost, minimalist interventions, based on science.

This is a very appealing promise! Obama embraced a lineage of liberal technocrats, confident of a "third way" to preserve free markets and address social needs.⁴ Obama brought on Sunstein and Thaler, eventually opening a "Nudge Unit," helmed by a neuroscientist. Policy would now be informed by psychology, behavioral economics, and other "decision sciences."

Meanwhile, Obama wanted a massive government stimulus to stabilize the economy. This stimulus needed targets. He proposed one such target: "every doctor's office and hospital in this country is using cutting-edge technology and electronic medical records so that we can cut red tape, prevent medical mistakes and help save billions of dollars each year." This was a ready-to-go (if underfunded) Bush project. In 2009, the HITECH Act injected vast amounts of money into scaling health information technology.

And they kind of did it! In 2008, only 9 percent of all hospitals used an EHR. By 2011, 50 percent had implemented EHR. Now 96 percent of hospitals use a federally certified EHR system. Obama's vision had accelerated a new era.

So why was everyone complaining? In 2018, Atul Gawande published a piece in the *New Yorker* called "Why Doctors Hate Their Computers." He described what physicians experienced daily with the newly installed EHR at

4 Franklin Foer and Noam Scheiber, "Nudge-Ocracy," *The New Republic*, May 5, 2009, <https://newrepublic.com/article/61724/nudge-ocracy>.

TYLENOL

Browse Preference List Facility List Da

Panels (No results found)

After Visit Medications

Name	Dose	Route	Freq	Disp	Disp	Ref	Formulary	Code	Type	End D	Section	Pref List	Copy
ACETAMINOPHEN 500 MG CAPSULE (aka TYLENOL)	500 mg	oral	Every 4...					19245	Medicati...		Existing	SA64 M...	
ACETAMINOPHEN 80 MG CHEWABLE TABLET (aka TYLENOL)	80 mg	Chew...	Every 4...					13005	Medicati...		Existing	SA64 ME	
acetaminophen (TYLENOL) (DROPS; solution 80 mg/0.8 mL drops (aka TYLENOL))		oral	Once					40149	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 120 MG RECTAL SUPPOSITORY (aka TYLENOL)	120 mg	rectal	Every 4...					10410	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 160 MG CHEWABLE TABLET (aka TYLENOL)	160 mg	Chew...	Every 4...					3153	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 160 MG/5 ML ORAL ELIXIR (aka TYLENOL)	15 mg/kg	oral	Every 4...					17097	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 160 MG/5 ML ORAL LIQUID (aka TYLENOL)	15 mg/kg	oral	Every 4...					2530	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 325 MG RECTAL SUPPOSITORY (aka TYLENOL)	325 mg	rectal	Every 4...					678	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 325 MG TABLET (aka TYLENOL)	650 mg	oral	Every 6...					1446	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 500 MG TABLET (aka TYLENOL)	500 mg	oral	Every 6...					7875	Medicati...		Existing	SA64 ME	
ACETAMINOPHEN 650 MG RECTAL SUPPOSITORY (aka TYLENOL)	650 mg	rectal	Every 4...					1510	Medicati...		Existing	SA64 ME	

Clinic-Administered Medications

Name	Dose	Route	Freq	Disp	Disp	Ref	Formulary	Code	Type	End D	Section	Pref List	Copy
ACETAMINOPHEN 80 MG/0.8 ML ORAL DROPS/SUSPENSION (aka TYLENOL)	15 mg/kg	oral	Once					40149	Medicati...		Facility A...	SA64 M...	
ACETAMINOPHEN 120 MG RECTAL SUPPOSITORY (aka TYLENOL)	650 mg	rectal	Every 6...					10410	Medicati...		Facility A...	SA64 M...	
ACETAMINOPHEN 160 MG CHEWABLE TABLET (aka TYLENOL)	160 mg	oral	Once					3153	Medicati...		Facility A...	SA64 M...	
ACETAMINOPHEN 160 MG/5 ML ORAL LIQUID (aka TYLENOL)	650 mg	oral	Once					2530	Medicati...		Facility A...	SA64 M...	
ACETAMINOPHEN 325 MG TABLET (aka TYLENOL)	650 mg	oral	Every 6...					1446	Medicati...		Facility A...	SA64 M...	
ACETAMINOPHEN 500 MG TABLET (aka TYLENOL)	1,000 mg	oral	Every 6...					7875	Medicati...		Facility A...	SA64 M...	

Harvard's hospitals: redundancy, complexity, wasted time. A hospital administrator responded that doctor dissatisfaction was irrelevant; the EHR was *for* patients.

The patients were also experiencing trouble, not least of which was that their clinicians spent visits squinting at screens. KFF Health News reported (a decade and \$36 billion after the HITECH Act) a long trail of EHR-related errors resulting in death and serious injury. Medication lists did not update with changed prescriptions. Glitches linked one patient's medical note to another's file. Lawsuits were filed for failure to flag critical test results to medical teams, delaying time-sensitive treatment. A central premise of HITECH had been accessible records for patients, and families. The administration's own vice president Joe Biden, could not transfer his son's cancer-treatment records from one hospital to another.

5 Schulte, Fred, and Erika Fry. "Death by 1,000 Clicks: Where Electronic Health Records Went Wrong." *Fierce Healthcare*, March 18, 2019. <https://www.fiercehealthcare.com/tech/death-by-1-000-clicks-where-electronic-health-records-went-wrong>.

THE RUSHED IMPLEMENTATION

The goal of a stimulus is to push cash into the economy as quickly as possible. This is not the same goal as building a sensible and sustainable digital infrastructure. With threats and subsidies, the federal government pressured EHR vendors to rapidly meet government certification, then pressured the clinics/hospitals to purchase and implement the product. Rusty Frantz, the CEO of NextGen, confessed to KFF that "the software wasn't implemented in a way that supported care, it was installed in a way that supported stimulus."⁵

Achieving speed is perhaps why, among other shortcuts, software made for billing was commandeered into the more complex HER functions. In contrast, the Veteran Administration's (VA) EHR VistA, created in 1983, had developers work directly with clinical staff to prioritize intuitive workflow; it has consistently outranked all other EHRs in user satisfaction. Speed is also why interoperability was not prioritized. Consider as a counter-example the global system of ATMs, developed in the 1980s. Achieving interoperability required standardized network elements. This in turn required international

SMASHING THE EXISTING SYSTEM

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This approach mitigates harm, though not with the non-solutions of nudging or technocratic veneers. Instead, it would require robust, meaningful prioritization of patients, labor, and community. It would mean securing the material infrastructure (housing, racial equity, clean water) that most shape the conditions of human health. This requires political organization, but it has been done before and is building power now. It would require solidarity—physicians would have to stop identifying with capital or the cognitive aristocracy. It requires solidarity among formally educated colleagues (pharmacists, mid-level practitioners, nurses) *and* technicians, food prep, custodial, transportation, and home health aids. Healthcare workers would have to join with other service and care workers and unpaid care laborers who make health possible. It would require coordinating with disability rights activists, community organizers, and patient advocates.

It can appear that the system is too large and overwhelming to change, in which case it is tempting to leave it entirely. There are multiple flavors of this: alternative medicine, concierge medicine, and Goop-flavored consumerism. Not everyone can escape of course—individuals or families, perhaps, if they have the luck of no serious illness, injury, or disability requiring interdependence, or enough resources to buy the support. As insidious and exclusive as escaping can be, there is still something here. What is at the heart of what a “wellness spa” provides? Leisure, gentle touch, warm water, and pleasure. Why should this not be part of what everyone deserves?

political negotiations to agree on shared technical specifications. The American EHR is instead a patchwork of disconnected proprietary systems created by over 700 vendors, what the KFF report called “an electronic bridge to nowhere.” Medical staff, patients and families instead resort to older technology (CD-ROMs, fax, notebooks) to move critical information.

David Blumenthal, a HITECH architect, acknowledged that, in retrospect, it may have been more effective to build interoperability at the start. Then-chief technology officer Aneesh Chopra argued that rushing was necessary, a move-fast-break-things situation to be refined later. So now 96 percent of the nation’s hospitals are locked into a disjointed, shoddy infrastructure.

PERVERSE BUSINESS INCENTIVES

Healthcare isn’t structured around patient needs; it is a business that prioritizes profit. EHR vendors rushed to claim stimulus money and market share. Economists call this rational, but also perverse. It has paid off: despite lawsuits, fraud accusations, and prosecutions for rushed, error-prone products, EHR is now a \$28 billion industry and growing. Financial incentives also shape hospitals and private practices, who lose revenue when patients go to other institutions; there is no financial reward to sharing medical charts, nor the proprietary data en-

tangled in it. Then there is liability. Thousands of patient deaths, injuries, and near misses are attributed EHR errors, but this is only what is known. EHR vendors implemented “gag clauses” on buyers, preventing disclosures of safety issues. Medical institutions allegedly withheld records to cover mistakes as well.

Surely this is fixable? Gawan-de listed experiments his hospital tried to improve the EHR: time-intensive tailoring of the interface and developing an ecosystem of apps (the hospital and EHR vendor resisted both). The hospital also hired scribes to free up doctors’ time. The American Medical Association has a toolkit of ideas, like delegating inbox duties and “getting rid of stupid stuff” (GROSS).⁶ The most recent solution for interoperability has been the cloud. This replaces the high cost of in-house operations with a subscription. Large hospital systems have begun migrating records into Microsoft and Google subscriptions. These are the companies with the scale experience, security, and analytic capacity to support the massive edifice of medical records. This degree of consolidation raises another set of concerns⁷ about privacy, security, and data ownership within an industry already fighting federal patient protections, with a spotty human rights record.⁸

THE TECHNOCRATIC VENEER ON INSTITUTIONAL PROBLEMS

*Technology does not bypass
labor; it reorganizes it*

By 2017, Obama despaired, “there are still just mountains of paper-work ... and the doctors still have to input stuff, and the nurses are spending all their time on all this administrative work.”

There is an illusion that technology automates work—instead it only changes it. Someone must still tediously punch the cards and maintain them. The hype around novel technology inflates its capacity,⁹ obscuring how it requires an old capitalist foundation: cheap labor. Automation is often used as a threat to drive down wages rather than improve conditions. Digitizing healthcare can create well-paid programmers and administrators. It *also* relies on outsourcing cheaper, invisible, less regulated labor: mining raw materials, manufacturing, shipping, precarious con-

6 Melinda Ashton, “Getting Rid of Stupid Stuff,” *New England Journal of Medicine* 379, no. 19 (November 8, 2018): 1789–91, <https://doi.org/10.1056/NEJMp1809698>.

7 Yazan Al-Issa, Mohammad Ashraf Ottom, and Ahmed Tamrawi, “eHealth Cloud Security Challenges: A Survey,” *Journal of Healthcare Engineering* 2019 (September 3, 2019): 7516035, <https://doi.org/10.1155/2019/7516035>.

8 “US: Big Tech Must Be Regulated to Protect Human Rights, despite US Supreme Court Decision - Amnesty International,” accessed November 23, 2023, <https://www.amnesty.org/en/latest/news/2023/05/us-big-tech-must-be-regulated-to-protect-human-rights-despite-us-supreme-court-decision/>.

9 Josh Dzieza, “Inside the AI Factory: The Humans That Make Tech Seem Human,” June 20, 2023, <https://nymag.com/intelligencer/article/ai-artificial-intelligence-humans-technology-business-factory.html>.

Last Resulted: Order ID [LS705]

 Class: External Interface-Outside ... Outside Collection External Interface **External Interface-Outside Collection**
 External No Interface

Lab: Resulting Agency: QUEST DIAGN... Collection Date: Collection Time:

Status: Normal Standing **Future**

- 10 Joshua Newman, Michael Min-trom, and Deirdre O'Neill, "Digital Technologies, Artificial Intelligence, and Bureaucratic Transformation," *Futures* 136 (February 1, 2022): 102886, <https://doi.org/10.1016/j.futures.2021.102886>.
- 11 Tait D. Shanafelt et al., "Relationship Between Clerical Burden and Characteristics of the Electronic Environment With Physician Burnout and Professional Satisfaction," *Mayo Clinic Proceedings* 91, no. 7 (July 1, 2016): 836-48, <https://doi.org/10.1016/j.mayocp.2016.05.007>.
- 12 Xi Yang et al., "A Large Language Model for Electronic Health Records," *Npj Digital Medicine* 5, no. 1 (December 26, 2022): 1-9, <https://doi.org/10.1038/s41746-022-00742-2>.
- 13 Jose Roberto Ayala Solares et al., "Deep Learning for Electronic Health Records: A Comparative Review of Multiple Deep Neural Architectures," *Journal of Biomedical Informatics* 101 (January 1, 2020): 103337, <https://doi.org/10.1016/j.jbi.2019.103337>.

tractors, and vast armies of human intelligence to train artificial intelligence. The maps of those labor markets often overlap significantly with the map of former colonies.

Technology is frequently touted as a method for eliminating bureaucracy, yet it just as easily enables its expansion.¹⁰ Between 1975 and 2010, the number of physicians grew 150 percent, same as population; healthcare administrators grew 3200 percent. Despite that

expansion, the EHR still reroutes hidden administrative work back to direct-service labor like physicians, nurses, and pharmacists. Hours once spent with patients are now spent on clerical labor.¹¹ One physician told KFF, "I have yet to see the CEO who, while running a board meeting, takes minutes, and certainly I've never heard of a judge who, during the trial, would also be the court stenographer. But in medicine...we've asked the physician to move from writing in pen to [entering a computer] record, and it's a pretty complicated interface."

This is not mere data entry. Digitizing health records demands significant cognitive labor to *translate* clinical information. A hospital's daily 137 terabytes of medical information (messy, unstructured narratives and images in fluid categories evolved over millennia) must be converted into highly structured data legible to the EHR. The promise of machine learning and AI¹² is premised on this extra labor, taken from patient care and workers' personal time (physicians take home, on average, one to two hours of extra uncompensated charting). "It's no secret that healthcare is a data-driven business," notes a health IT trade magazine. Providers interpret clinical realities into forms that can train "data-hungry" proprietary algorithms.¹³ Rather than decreasing clinician workload, the EHR extracts it.

I go back to my computer to examine why my test order did not go through. I type "HIV" into an order box, which pulls dozens

of options. Some are distinct tests (viral load, antibody, genotype) requiring knowledge to choose appropriately. Others are the same orders but for other clinics sharing the EHR: labs for a Texas site pull up for a patient in St. Louis. I skip the search and navigate to a menu of tests exclusive to our site. This brings up two identically named lab menus in the same column. Expanding one menu sends the lab order to "external interface." There is a second button: "outside collection." But to properly order the test, I needed to have clicked the third button, "external interface-outside collection."

I have worked in many settings. My clinic's EHR non sequiturs are not unique. Most institutions are eager to respond to feedback. The order menus now default to the correct button. To improve the EHR, I am usually advised to personalize a menu toolbar, generate templates ("dot phrases"), and streamline the interface. If ambitious, I could join a committee to, over weeks, remove duplicate menus. Or, if I want to make it home, I can jerry-rig yet another work-around for the hundreds of inevitable idiosyncrasies.

A front-end investment of time promises eventual efficiency. Seems reasonable! Each EHR, however, is specific to each site, even with the same software. Providers commonly round at multiple hospitals, clinics, nursing facilities, even under one employer, sometimes in the same building. Each facility's Epic (the dominant EHR)

12/10/2020

Dear Medical Staff Member:

Timely and accurate completion of medical records is essential for quality of care and an important step for patient safety.

You currently have deficiencies in EPIC that have been **incomplete for 10 days or greater**. If these deficiencies are not completed within 5 days of this notice, your privileges will be suspended in accordance with the Rules and Regulations of the Medical Staff on **Tuesday, 12/15/2020**.

If there is a deficiency in your InBasket that is not yours, please decline it as soon as possible so that it will not count against your deficiencies and HIM can properly re-assign. (Please leave a comment if you know the specific physician to which it should be assigned). **Keep in mind that dictations, verbal orders, as well as any e-signatures are included in these deficiencies and will need to be completed to avoid suspension.**

If you should need assistance with your Physician In-Basket, please contact the Health Information Management Department at [REDACTED]

For EPIC Technical Assistance please call the TSC at [REDACTED]

Again, we thank you for your continued efforts to decrease our delinquent medical record count. You are making a difference!

Sincerely,

has a distinct interface. Painstakingly built menus, phrases, and unique shortcuts developed in one context cannot transfer to another. Orders have different names and codes. Muscle memory is useless. (In contrast, the VA's 1983 VistA designers, knowing clinicians rotate through services, focused on only two goals: patient care and rapid adaptability). It is time consuming and none of this is actual patient care.

Adapting the EHR to be more useful is Sisyphean. So is navigating the sheer volume of signal it produces. An ICU clinician receives seven thousand passive alerts a day, making it difficult to discern critical signals from noise. American medical notes are twice as long as a decade ago, many times longer than notes across the globe, from repetitive cut-and-pastes. The next person must sort through all this to find what's relevant.

This is no Hippocratic corpus. We have traveled far from the attentive observations meant to bear witness and teach future healers. For most of our workday, we treat neither patient nor disease.

If we resist or slip, the EHR is ready-made surveillance, with

swift consequences. In December 2020, deep in a COVID-19 winter surge, I covered my colleague's patients on a weekend. I ended the fifteen-hour day by charting, billing, and tying loose ends. The next week I received an email, threatening to suspend my privileges. The message opened sternly: "Timely and accurate completion of medical records is essential for quality of care and an important step for patient safety."

Reader, of course I panicked. As a physician-writer Emily Silverman wrote, sure, healthcare workers are "motivated by compassion and a love of medical science, but also a desire for external validation." Like most people, we do not like to be monitored and berated. Eventually, I found that the system had auto-flagged a pending note draft for a patient I never saw. I create such drafts to abstract info from each chart before rounding. The patient did well and went home before I saw them. There was no patient safety at stake. The EHR sent a polite reminder (among dozens) to my inbox, which I missed. Why would I sign into *that* hospital's Epic, when I was now overwhelmed

with work in *another* hospital's Epic? Amid a global health emergency requiring all hands on deck, in a hospital that had just run out of ventilators, decked in posters saluting its heroes, I stopped everything to clear my inbox.

IT IS NOT ONLY THE TECHNOLOGY INCREASING LABOR

The EHR and its administrative burden contributes to burnout. There is *also* more clinical work. Increasing corporatization of medicine and staff shortages have increased the volume of patient care for each healthcare worker, accelerated since the pandemic.¹⁴ In Gawande's report, the hospital hired human scribes to document, freeing the doctor's time to focus

14 Pascale Carayon and Ayse P. Gurses, "Nursing Workload and Patient Safety—A Human Factors Engineering Perspective," in Patient Safety and Quality: An Evidence-Based Handbook for Nurses, ed. Ronda G. Hughes, Advances in Patient Safety (Rockville (MD): Agency for Healthcare Research and Quality (US), 2008), <http://www.ncbi.nlm.nih.gov/books/NBK2657/>.

on patients. The doctors remained burnt out because the hospital then gave them even more patients. Even when unions are strong, such as California nurses, hospitals cut nonunionized ancillary staff, effectively increasing the work.

This trend is accelerated by the incursion of private equity, which has rapidly expanded in health-care.¹⁵ Private equity now has large market shares in anesthesiology, obstetrics, dentistry, radiology, nursing homes, even lucrative end-of-life care. Private equity's central goal is short-term profit, not healthcare. This is achieved through aggressive "efficiencies": loopholes to increase billing, cutting services, increasing invasive procedures, cutting staff, and employing staff with less training than previously required. This model has generated large profits, while the "perverse incentives" create worse care, higher cost, and

detriment to workforce infrastructure.¹⁶

The Obama era's faith in technological overhaul did not fix a fractured healthcare system that, like all profit-driven enterprises, squeezes labor before margins.

TECHNOLOGY MATTERS LESS THAN THE SOCIAL DETERMINANTS FOR HEALTH
In Akshay Pendyal's excellent essay about the insidious role of Nudge theory in medicine, he identifies the specific outrageousness of transmuting social failures into individual responsibilities.¹⁷ Rather than address the material insecurity of a patient with congestive heart failure (compelling her to do grueling work in an Amazon warehouse), nudge theory offers "one-weird-trick" suggestions like pill boxes that buzz medication reminders. "Such efforts," Pendyal remarks, "seem futile at best—and at worst, bordering on cruel." Nudging misdirects attention from institutions, social structures, and resource distribution, toward correcting individual behavior. We

nudge the patient's obesity, addictions, and noncompliance with doctor's orders. This focus contradicts a century of medicine's own rigorous research that medical "blockbuster" treatments matter, but not as much as the systemic determinants of health—housing, material security, safety from violence, community support, public infrastructure, and environmental stewardship—that shape things like access to clean water.

Digitizing medical information is useful; but it does not address problems that require redistributing resources, nor bring the people most impacted by policy to the table. That change requires politics. If it's "perverse incentives" all around, perhaps, as economist Kenneth Arrow argued in 1963, markets don't work in this setting.¹⁸

Effective, politically neutral, no-cost, minimalist interventions are rare. As to based-on-science: nudging and behavioral economics repeatedly evoke *science* to claim it is beyond politics. Sunstein himself, when running the Office of Information and Regulatory

15 Fred Schulte, "Sick Profit: Investigating Private Equity's Stealthy Takeover of Health Care Across Cities and Specialties - KFF Health News" (KFF Health News, November 14, 2022), <https://kffhealthnews.org/news/article/private-equity-takeover-health-care-cities-specialties/>.

16 Yashaswini Singh et al., "Association of Private Equity Acquisition of Physician Practices With Changes in Health Care Spending and Utilization," *JAMA Health Forum* 3, no. 9 (September 2, 2022): e222886, <https://doi.org/10.1001/jamahealthforum.2022.2886>.

17 Akshay Pendyal, "The Soft Tyranny of Modern Medicine," *Compact Magazine*, May 30, 2023, <https://compactmag.com/article/the-soft-tyranny-of-modern-medicine>.

18 Kenneth J. Arrow, "Uncertainty and the Welfare Economics of Medical Care. 1963.," *Bulletin of the World Health Organization* 82, no. 2 (February 2004): 141-49.

SMASHING THE EXISTING SYSTEM	TAMING THE CURRENT SYSTEM	ESCAPING THE SYSTEM	EROSION
<p><i>Erosion.</i> There are always cracks, in which one can build small experiments of alternative care systems. These do not promote the escape of individuals, but of collective care. This is creating and expanding viable alternatives in the ruptures of an intolerable system. In the policed streets of Oakland, the Black Panthers organized not only self-defense squads but also survival programs. They provided free breakfast for kids, transportation for disabled persons, and free health clinics. So too did founders of Clínica de la Raza, Asian Health Services, and Food Not Bombs. The Panthers were threatening enough that J. Edgar Hoover tried to take them out. The threat also pushed Lyndon B Johnson to co-opt those mutual aid programs into the War on Poverty, building a network of federally qualified health centers, which now provides not-for-profit care for over thirty million people.</p> <p>Would the Panthers have made more radical changes if not suppressed? Yes, but their legacy of radical self-organization demonstrated the viability (and threat) of organizing. So did the Gay Men's Health Crisis providing care during the HIV crisis and ACT UP's direct action demanding scientific and public health attention. Harm reduction, now a pillar of public health, began as the anarchic practice of injection drug users risking arrest to distribute clean syringes to avoid infections. Erosion is far more common than institutional technocrats, who savvily adopt and claim the interventions as their own, would admit.</p>			

Affairs (where he bragged that he had issued fewer regulations than the Reagan, Bush, Clinton, and W. Bush administrations) insisted on the organization's apolitical stance because it was scientific, even as it regularly met with lobbyists.

Pendyal observed, at a Nudge in Healthcare symposium, the repeated attempts to ground behavior economics, however tenuously, in neurobiology. Like the clinician's gaze and lab data usurping the patient's testimony, behavioral economics claims the "truthier truth." Perhaps this insistence is necessary because the science in question is not good. Behavioral economics and its adjacent fields are undergoing a crisis of replication—in which some of the field's splashiest are accused of, at best, "p-hacking" (massaging the data until something pops out) and, at worst, blatant fabrication. The ease with which bad science dominated policy may just be the most recent iteration of Max Weber's observations: these frameworks are less natural science and more rationalizing the ruling class's methods of disciplining the laboring class.

In Sunstein's *Nudge*, you're stalled by misleading logic before getting to scientific methodology. Sunstein cites highway signs reminding drivers to "click it or ticket!" as a nudge example. However, that "nudge" works because the government deployed command-and-control regulations: requiring auto manufacturers to include seat belts and people to use them, under threat of fine. Robert Kuttner wryly noted that behavioral economics was initially a *critique* of neoclassical economics' "rational" agent. The early rigorous experiments of Kahneman, Thaler, and others demonstrated that human beings deviate from this model of "rationality". In Sunstein's hands, criticism of economics' failure to grasp true human behavior

becomes instead, a criticism of humans for failing to meet the premises of economics. The markets are working exactly as they ought to; it is the humans that must be corrected.

Those corrections are exacted on individual bodies, in workplaces, education, prisons, and the clinic: workers are surveilled; medical education is reshaped in the vision of Carnegie and Rockefeller; racial hierarchy is naturalized, including by large language models;¹⁹ disabled, "unproductive" bodies are crushed; gender roles (and associated care labor) are enforced by withholding reproductive and transgender care.

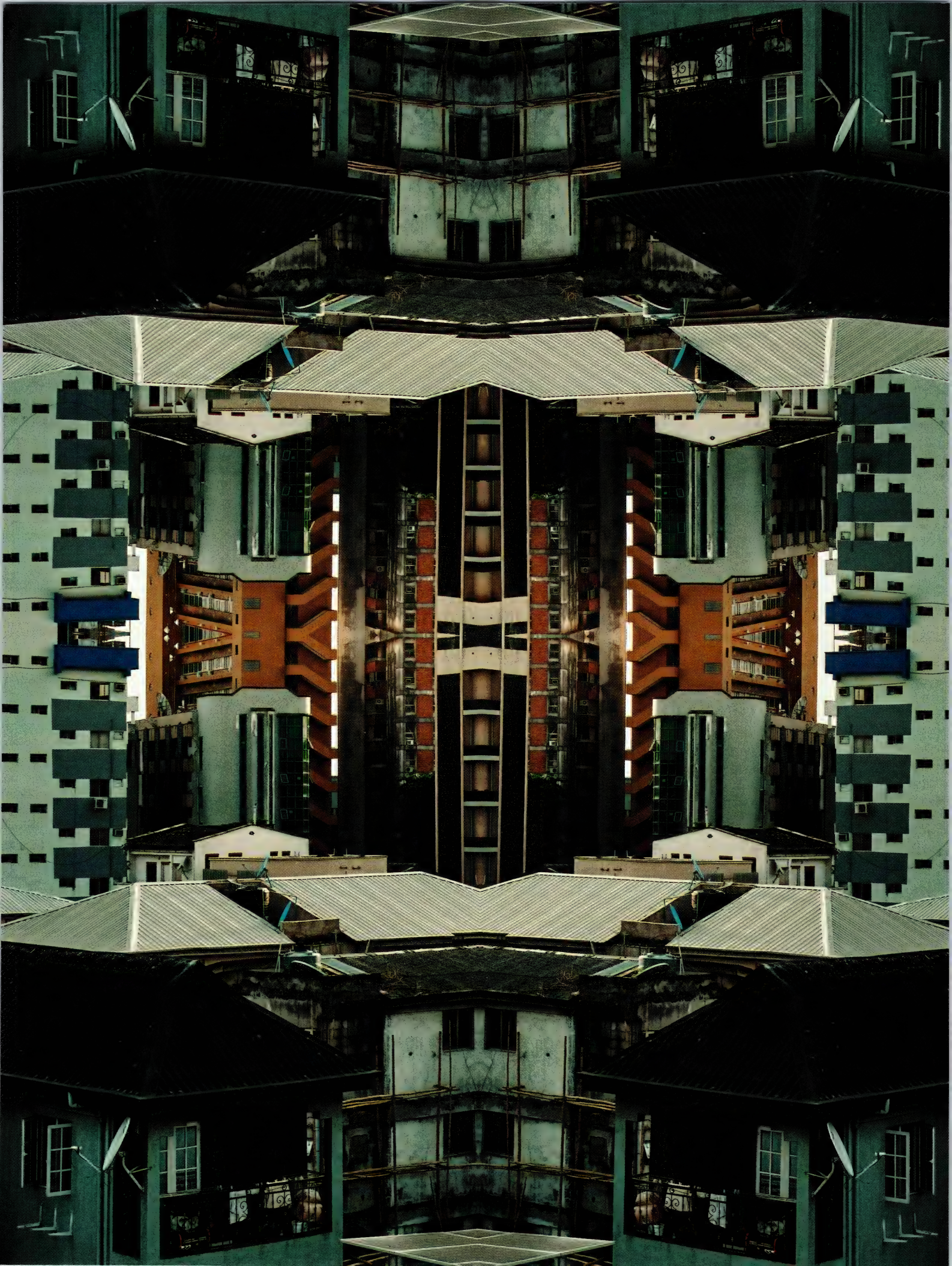
So why had the lofty ambition of health information failed so spectacularly? It did not fail entirely. It failed us, the workers, patients, and public, but it is not *for* us. Bad EHR technology dominates because it serves enterprise first, then patients and workers. Sunstein's arguments are illogical, disconnected, and founded on preposterous data, but it serves the Obama administration's ideology. If weak science and bad technology emerge from the marketplace of ideas, it is because the highest bidder is the ruling class. Political will is exerted, but veiled with "science" to insist those in power know what's best. Meanwhile, individualism means the consequences always fall to those they rule. From the Hopkins Circle to the Chicago School of Economics to the Silicon Valley libertarians: mechanisms of control are cloaked in what social theorist Marco D'Erano described as the "neo-feudalism of a cognitive aristocracy, whereby alleged superiority of knowledge or competence entitles a select few to rule over the ignorant masses."

Perhaps part of the rage of the rank-and-file healthcare worker crushed by the EHR is partly because we thought maybe we were

among the cognitive aristocracy. Alongside the scientists, social workers, artists, and engineers of the professional managerial class, our knowledge and competence was supposed to protect our autonomy, even as our work was deployed to control others. "What has happened to the professional middle class has long since happened to the blue-collar working class," observed Barbara and John Ehrenreich. "Those of us who have college and higher degrees have proved to be no more indispensable, as a group, to the American capitalist enterprise than those who honed their skills on assembly lines or in warehouses or foundries."

R's HIV testing was negative. He remains ill. Because he does not have HIV, we are not funded to find out why. We printed lists of other clinics with long waiting lists. In any case, he had to focus on fighting to keep his housing. Anthropologist David Graeber wrote, "We were constantly being told that work is a virtue in itself—it shapes character or somesuch—but nobody believed that. Most of us felt work was best avoided, that is, unless it benefited others. But of work that did, whether it meant building bridges or emptying bedpans, you could be rightly proud. And there was something else we were definitely proud of: that we were the kind of people who took care of each other." We, the physicians, nurse practitioners, nurses, medical assistants, case managers, lab technicians, could only do what we could do for R, before turning to the long line of other patients. In the end, our inboxes were clear. ♦

19 Jesutofunmi A. Omiye et al., "Large Language Models Propagate Race-Based Medicine," *NPJ Digital Medicine* 6 (October 20, 2023): 195, <https://doi.org/10.1038/s41746-023-00939-z>.



A Home That Lives

Osahon Ize-Iyamu

When the officers making the implant for my hand asked me to describe home for them, I told them it was the strawberry softness. It's the fact that I could wake up every morning and see the art-styled floors that reminded me of my grandparents, the wooden seats that were made with the last of aged trees, the fact that every family member I knew was on a picture, was in the walls—my ancestors' spirits floated through the house with their memories. It's the fact that I could come back from a hard day of work and see my grandma rocking in a chair, singing her gospel music the way she did before she died, and I would laugh with her, could sing her memory to sleep. It's the fact that I could remember the steps to the walls and paintings, everything I loved, all I treasured, till you decided to burn it down.

They didn't have anything to say. I didn't have anything to add. After an endless hour of questions, they told me I could leave the hospital and come back for my implant in four weeks. When I returned, it was a quick operation—a slash in the hand and a heavy dose of anesthesia to squeeze in a 3D-printed chip that would

preserve the idea of a home. And how could I resist then, how could I decline, when it was made clear to me that the presence of memory was much better than the cruelty of one day remembering nothing.

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I keep walking through Center Six, looking for even a spark of connection. When I gaze up, all I see are endless spires rising into the clouds, the new crowded memory booths attached to robust smart buildings, and holographic adverts marketing new multipurpose houses. I can't stay anywhere too long. Even when I sit down on a bench, it heats up after a while to push me away. It's a life that hates those who want to rest, those looking for roots, so I keep going with a backpack full of protest materials and an implant I don't want any more in my hand.

The implant clings below the surface of my palm, a purplish smooth spot that buzzes against my skin with the eagerness of a parasocial relationship. It activates with a simple touch, and from there it displays a replica of what used to be my home across my hands, an interactive blueprint that's supposed to model the art-styled floors and the wooden chairs and the creaky steps. But still, it's nothing without my ancestors' spirits. A house without a life. Their presence is vacant in every picture, every replicated photograph; even the rocking chair lacks my grandmother's croaky laughter. Everything on my implant seems faded like a bad tattoo, and as others get their

implants upgraded, every day mine feels more like a relic of a past time.

I packed my bags and began moving through the Centers ten days ago, because I couldn't take the hauntings. After they demolished my home and others' to make space for the bigger Centers five years ago, the administration drafted a policy to put us into new housing. Within days, a crew of officials helped me carry my oversized suitcase into a sizable apartment in the heart of Center Two. Most apartments were only partly owned due to rental scarcity, so my place was also turned into an azonto dance studio, a robot-human boxing class, and a communal workstation in the time on weekdays that I went to work at the decoration store. And when I'd come back at night, all I would hear was the subtle vibrations that came from the smart buildings in my Center, all the quiet inside the place due to its soundproof walls. It felt so unlike the noise of my home. Where my grandmother's spirit would shout if I came inside with ordered food instead of cooking for myself, where my mother's spirit would complain if I tracked in mud, where my family's signature smell of strawberry softness would linger on the furniture as a familiar welcome.

So, everything about the new apartment, about my new life, haunted me for years in the finality of its minimalism, its irrelevance. I just felt so unimportant. I don't think I could have described then that what I had lost was the feeling that no one was ever truly gone.

And in that time, I tried to play something from the implant on so many in-

stances, to comfort me, to pacify, but all it continued to show me was the same reel of a house. The interactive shot of wooden chairs and long yellow ceilings and tiled floors, and I tried to get used to it. Because something is always better than nothing. But every time I looked at the vacant chairs and dusty tables, the untouched kitchen and unused plates, I wondered how long this emptiness could last. Then, last month, the malfunctioning began. The pictures on the wall started to lose their luster; they no longer shone. The tables changed designs from wood to plastic. The floors looked devoid of art. I tried to tinker with the settings, but all that showed up on my hand was a sorry notification. That they were phasing out my kind of implants, that they were improving the technology, that a new device called memory booths would now be available for use throughout each Center at an hourly fee.

But it just made me angry. How many years had I lost myself to stasis, had I accepted this reality as normal? How many years had I used this implant to pacify me, only to have it be replaced? And now I had to pay to use a memory booth to remember, to keep what should have been mine? That's when I decided to get up and pack my things. My clothes and my shoes and my bag. I quit my job. I couldn't anymore.

Today, I am passing through the heart of Center Six, holding up my usual protest placard. I've walked through three Centers so far, and the endless walking has made the soles of my feet feel like they've been shot. My eyes have become crusty and red around the edges, and my

stomach's twisted into impossible knots. I've been documenting my journey on a livestream that I put together. I've been attempting to find communities all over the twelve Centers that want to join my walk, to contribute to my resistance, to do *something*. But it's barely gotten views. It's been a lonely life for a wanderer, the kind that wears me down the more I move, but still I persist.

"Etinosa? Is that you?"

A familiar-sounding voice shouts from behind my back. I turn around slowly, and that's when I come face to face with a man that has a finely combed beard and a bald head the shape of an egg, a chin so angular it could cut grass, and eyes that are soft yet imposing—deerlike. I know that I remember him from somewhere, but my head feels so hazy from all my movement and so I blink twice. After a few minutes, I think he picks up that I'm struggling and intercedes.

"Dami, now? We talked at the hospital? We were scheduled on the same day for our implant discussion appointment."

That's when the memory knocks into my mind like a dumbbell weight. "Oh, it's true! I'm sorry. Hi. Etinosa."

He laughs before grabbing me into a hug. It's been a long time since I experienced such warmth, and though it's unexpected, I fall into him immediately. "Guy, I know who you are. You talked for lengths at the hospital that day—you were grilling all the officials like a drill sergeant about the implant before you gave in. Fascinating stuff."

"Ah. Well. I tried. Everything's felt so... different since then. Sometimes it's been

a blur, when one thing happened and the next.”

“For sure, for sure,” Dami replies, before he adjusts his sleeves to reveal a fancy smartwatch on his wrist. It takes a minute for me to realize that it’s the newest edition, and I realize I didn’t get a good enough look at him. The more I stare, the more I can see the designer logo on Dami’s shirt, the sturdy expensiveness of his rare fish-skin shoes, the quicker I can see how put-together he seems. When he gazes back at me, he smiles, but I can tell that he’s not looking at me but through me, then up and down, as if trying to figure out my life plan.

“So, you’re protesting now?”

I try to hold on to my resolve. “Y-yeah. To shed light on the system. It’s not right.”

Dami cocks his head to the side, as if trying to choose his words, before he replies slowly. “I see. Well, when do you get off today from your heroics? I feel like we should catch up, guy.”

I can’t hide the smile that pops up on my face like the memory of home. “Yeah. Well, I’m on the go, so these days I make my own schedule.”

“Ehen,” he says, almost impressed. “Now we’re talking. Walk with me.”

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When I received the message from the government that my home would be used for one of the areas of expansion, I was just coming back from work. In the past few weeks, the demolishment had gotten closer and closer to homes around me, and I’d become afraid, even desperate.

Twice, I had gone to the nearest National Housing Office, begging the officials on shift to preserve some of our homes, because they had existed for nearly a century. Some of our homes, because they were what was left for those of us who had lost all our family members when we were little but still knew they were here. And the officials there nodded, said they’d heard my plight. I was assured that the government would commit itself to preserving landmarks, but I don’t know why I believed that. The message was sent to my house’s SmartMail a few days later, in a clearly scheduled message. In a month’s time—destruction.

It’s not personal, my father’s ghost told me that night, watching me splayed over the couch as I drank away my sorrows. *Keep quiet!* My grandparents roared in response. They were in the kitchen cooking, but I can’t even remember what they made. Deep down, I knew he was right, and I just had to come to terms with the fact that I wasn’t worth anything to save.

The SmartMail for the implant consultation came within that week, offering the promise to help preserve one’s ideal home environment as a memento within the body, as a way to cushion the demolishment. My grandparents floated through the rooms in rage, their translucent hands slammed doors off hinges, their invisible mouths whispered in my ear at midnight, *Fight! Fight against it!* and their words made me want to try to build my resolve. So, I went into the consultation office that day to protest the system, but it felt like a waste of time.

But I remember now. The person that

told me to cheer up when I eventually gave up, that told me I'd tried when I joined the queue for the appointment and stopped protesting. The only person that looked at me like I wasn't foolish, like I was worth something then, was Dami.

Center Six is known for being the bargaining center, so it doesn't surprise me when Dami leads me through jam-packed alleyways that are busy with traders who jump from customer to customer, selling everything from knockoff upgrades to low-quality memory systems. I want to keep my livestream on to document this, but Dami tells me that it'll get in the way of our movement, so I switch it off and ignore the incoming viewer requests. I stay close by, watching as he moves with an assured confidence, like he's no stranger to the streets of the world. He looks in my direction mid-walk and smiles.

"Sorry o. The restaurant is around the corner. Anywhere else, my driver would usually take us, but it's easier to get there this way."

"It's not a problem," I say. Especially if he's paying. Plus, it's been so long since I've hung out like this with someone that I can't help but linger in it. Can't help but notice that for the first time in a while, I don't feel a crushing isolation.

Dami makes a sharp turn out of the alleyway and into a restaurant that's about three stories high. The inside is full of flashing LED lights that change every time a beat drops in the Nigerian music that's playing, heavy in the background.

It gives me a headache, but we get chairs immediately and I get to rest my head on the back of my seat. There's a weighty silence afterwards, where Dami just looks at me with a piercing intensity, and because of that I feel compelled to speak.

"Is everything okay?"

"For sure, for sure," Dami says, then he takes another minute to speak. "I guess I'm just ... curious. About what you're doing. How did this all start?"

His question makes me feel like I'm at a job interview. But I try to present my best self. "The protesting? Well. It's like I said at the hospital then. This system isn't replicating the love of home, the presence. Don't you feel hollow after everything was taken from us? Don't you see the activists protesting in other Centers?"

"But that was five years ago."

"And I've felt it every day since then. It's getting worse with the passing time, and houses are getting destroyed faster and faster. No one should have to live this way—so ... disconnected from their past."

Dami leans back in his chair and sighs. "Is this about your implant not working well again?"

All the warmth immediately disappears from my body. I pull my chipped hand away from the table and place it on my thigh. "What are you talking about?"

"Look. I'll be honest in saying that I've watched some of your livestreams. That's how I knew where you were protesting. I've listened to you talk for days about how you used your original implant before, but suddenly, yours became

obsolete and then you *realized* how bad the system was. I just feel like I've seen so many others who lost their homes and don't want to let go of the situation. You have to move on. You don't want to be seen as a victim, because I'm telling you there's nothing in this world that people care less about."

His words make me feel like I've been punched in the stomach. I keep remembering that day at the hospital, when he smiled as I was protesting, when he encouraged me when no one else did, and that memory feels so different from who he is now. My mind struggles to reconcile it. "I thought you told me it was fascinating. I thought you would get what I was doing."

"Back then, for sure. It was great watching you quarrel with those officers, and that's what I admired: the way you could ask hard questions. But it's not worth beating a dead horse. What's gone is gone, and I know you could do much greater things with your time. And it's not like you didn't end up taking the implant at the end of the day, and that's because it was always the better option. You and me both know that if you still had your implant, you wouldn't be doing all this. Because if you were really serious about things, why didn't you join some of the other communities protesting all this time?"

I don't really have an answer. I keep speaking, trying to convince him, but now I feel like I can barely convince myself. "It's not the same. My ancestors—they're not present. They're not here."

Dami comes forward, stretching out his hand to me, and I can't help but take

it. "That's what I'm getting to! It feels like this is all an implant issue, and I have the solution. You don't have to do all this exhausting work that leads nowhere. Look, I like you, Etinosa. I know how annoying it must be to have latched onto something for years and have it be phased out, but it's all for the better. I've been working with the government for a while now, and these new memory booths that we've created are far more advanced in giving you a presentation of your past home. It's all interactive, so you can still control it, but the best part about it is that unlike the implants, you can have your ancestors. They're waiting for you. In fact, there's a booth nearby. Just try it. I can pay for it. I can show you."

Dami doesn't say anything. His gaze, piercing through me, is enough for me to break my resolve and let him lead me out of the restaurant.

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The night before my home was demolished, I sat on the living room couch, defeated. I can barely even remember the details of how I got there—maybe I had come back from work, maybe I was trying to beg or protest. I just know that I couldn't stop crying. The image of my ancestors is fuzzy, but I remember that they all floated over the living room. From my grandma to my grandpa to my uncles and aunts and my father and mother. Every single one of them, by my side. Most of them spoke to me in a cacophony of clashing and echoing words, telling me some variation of *it will be ok*.

It's not, my grandma said, sitting close to me in her rocking chair. She was singing her gospel music in between all her statements and shaking her head. I didn't have the heart to tell her that I'd cowered during the implant session, that I didn't have the resilience, the strength to make a change. *It's not ok. But you keep fighting, eh, even when we're gone, because it's not. You keep fighting because that's how you remember we were here.*

In the morning, I stumbled out of my house with a packed suitcase and watched as the construction workers swung the wrecking ball. My home crumbled, destroyed, and all the hope in my body dropped to nothing.

The next day, there was an implant on my hand, which glitched to life with a vibrating song.

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Dami was right about the memory booths being a short distance away from the restaurant, and so we don't have to walk too much before we reach the location. Usually, the ones I've seen in the heart of the Centers have been packed with people since the systems were unveiled a week ago, but as the sun sets here every booth in Center Six looks empty.

"It's because our Center has a closing time for the booths. We don't have enough of them yet, so it helps control things."

"R-right," I say, but I can't stop shaking.

I've never really seen them up close before. They're tall skyscraper-like boxes that look imposing on the streets,

like miniature giants. Dami can't resist showing me all of the elements when we enter inside, like the programming unit that lets me transfer all my implant information to the system.

"So, all you need to do is set the functions, then sit back, and our intelligence system, the Center of Connection, will do all the work for you. I'm excited for you to try it. This is so much better for you."

Dami uses his card to pay for a session in the booth, and when he's done, I begin to set up the system. I swallow my spit and connect my implant and watch as all the displayed memories transfer to the booth in less than a minute, and then "Welcome" pops up in flashy automated letters on the big booth screen. It all feels so false. It's followed by a question that asks "What is home for you?" And then I have to sit back in my chair.

The system buzzes with a steady rhythm, asking the same question over and over in flashing letters. But I don't want to answer it. I activate the system's functions instead, put on the virtual reality headset, and immediately I'm sucked into the screen. My vision goes black, hazy, but then I blink twice and I'm back again where I was always meant to be.

I'm home, sitting on the living room sofa with a takeaway as my father watches football next to me. My grandmother is laughing in her rocking chair, knitting a sweater in her hands as she sings gospel music, and in the kitchen my grandfather is frying up something hearty and full of fat. My uncle and aunt are by the stairs, gisting with each other about old Nigerian politics, and my mother is at

the door, smiling. I'm home, and it feels so long lost and yet so familiar, and I've never felt so happy.

Our boy, my grandma says, stroking my cheek, *we missed you so much*. But when she touches my face, her hands feel like ice. She laughs, but what comes out of her mouth sounds like a flattened thud. She starts singing her gospel music, but it's the same lyrics as before, over and over again. I try to talk to her, but her eyes look glazed over. White. I start eating the ordered food that's on the table, and she stares at me. Not shouting. Not reacting. She's just passive. When I walk away from her and into the living room, I can't even smell the strawberry softness that signals my family's presence, the noisy chatter. The house feels *quiet*. Even as everyone talks, it's like no one is making a sound.

I enter the kitchen, and the question from the screen roars into my mind again on endless repeat. What is home to me? It's clear to me now that it's never been anything I have experienced since I've lost what I had. What is home to me? My father's face when I woke up in the morning, looking young yet tired in his immortal ancestry. What is a home to me? Tracking mud on the perfect floors every time I came home from work. What is home to me? Gathering to cook what I don't remember and laughing with my grandma about what I never wanted to forget. What is home to me? A laugh full of fire, a strawberry softness, an endless argument about Nigerian independence, the warm smell of fried akara, the crookedness of stairs, a nick in the wooden

table—what is home to me if not a collection of moments? As I snap back to the virtual reality, I can see my family, who tell me to sit next to them. Who tell me to stop thinking. To immerse myself in the memory. But this memory booth, this home, feels like nothing. And it's nothing because home was a community, home was a settlement and my advocacy and knowledge that I had a place, and I feel placeless when I stop trying to find it. I want to find the people for myself. A home is what I want to look for with others, is what I want to build with others, and I don't want to lose myself again, like I did for all those years. I can't ever stop searching.

So I stop. I remove the headset, switch off the system, and come out of the memory booth to see Dami waiting outside. His mouth widens at first when he sees me, then he stares me down, looking through me again.

"So you want to keep chasing after what's gone? I've given you an offering."

"You've never given me what I needed," I say, looking past him. Up above me, the sun is setting, and the Center is tinted in a soft orange glow, like an artist's painting.

I switch on my livestream and, on my device, I can see a notification waiting for me in my absence. It's from a community activist who saw one of my livestreams and wants to connect.

They start their message with a hi.

I know that home is a hello back. ♦

A CONVERSATION WITH ANGELA BURTON

Unjust Termination and the Preservation of Black Families



Angela Burton is an attorney, former law professor, and public servant with lived experience in the family regulation system. Her work within the court system led to an unjust termination for doing what she was hired to do: advocate against the destruction of Black families. In this conversation, we spoke with Angela about Black self-determination and how tech and data simultaneously obscure and expand control over descendants of chattel slavery.

KHADIJAH ABDURAHMAN: What was your role with the court system, and how did you leave?

ANGELA BURTON: It's kind of like the situation that many parents find themselves in after the government has come into their lives and done a whole lot of fuckery, and then you're trying to tell it to multiple different people, over the course of time, while you're still engaged in it—while it still has a hold on you. I'm currently in that spot right now because it's so fresh and raw, and things are still evolving. I'm still processing all of it.

But, starting with my role in the court system: we're starting the conversation at a point in time of over a thirty-year career in government, as well as academia and corporate and all sorts of things. I started at the New York State Office of Court Administration's Office for Justice Initiatives as special counsel for interdisciplinary matters in June of 2022, on the heels of just about ten years as New York's first director of quality enhancement for parental representation at the New York State Office of Indigent Legal Services. A lot of the work that I had been doing at ILS, I carried over into this new position that was created for me in the Office for Justice Initiatives under Judge Edwina Richardson-Mendelson, deputy chief administrative judge for justice initiatives.

I continued all the work around improving legal representation for parents, training lawyers, and advocating for resources and better support, oversight, and accountability; working on timely access to counsel for parents, including at the initial CPS [Child Protective Services] investigative stage—which is not a common practice across the country but is growing in prominence and in prevalence. And at the same time, I also continued to engage in the work around end-

ing family policing, working with national and local advocacy initiatives and organizations to increase awareness about the anti-Black roots of the system and how the structure embedded in the federal laws trickles down to the states and determines agency practice and interactions between government and families.

KHADIJAH: Could you talk about the difference between what you're describing about investigations in the family policing system and the traditional policing system—while acknowledging that many parents are involved in both? For example, when we have family team conferences, there's no attorney at all.

ANGELA: A huge reason why there's a need for advocacy around what we're calling family Miranda—that is, people being advised of their rights, people having access to legal counsel during a family police investigation—is because the system is structured to ignore and not protect those rights. And that's structured from the federal level all the way down. So the local CPS—it's called different things in different places; in New York City it's called ACS, Administration for Children's Services—they have an investigative arm. When a call comes in to the child abuse hotline and someone accuses a parent or other adult of mistreating a child, a CPS caseworker—a government agent—is sent out to investigate.

So the hotline is like the 9-1-1 of policing systems. A call comes in to the dispatcher. The dispatcher sends an investigator out. But in family policing, that investigator claims huge powers under the law to just knock on someone's door and say, "I'm investigating a call about a child in this home being maltreated." There are laws in place that say that if there's no emergency—if there's no evidence of imme-

- 1 See Editorial, "Sacramento County's Housing of Foster Kids in Jail Cells is Illegal and Reprehensible," *Sacramento Bee*, April 13, 2023, https://news.yahoo.com/sacramento-county-housing-foster-kids-123000134.html?fr=sycsrp_catchall; Rachel Hinton, "State Sued for Holding Foster Children in Jail due to Lack of Housing," *Chicago Sun Times*, January 19, 2023, <https://chicago.suntimes.com/2023/1/19/23563128/dcfs-sued-foster-children-juvvenile-detention#:~:text=The%20Cook%20County%20public%20guardian%20is%20suing%20Illinois,an%20Illinois%20Answers%20Project%20investigation%20found%20last%20year.>; Akilah Winters, "Record-Low Number of Georgia Foster Children Being Housed in Hotels after DFCS Push, State Says," *11 Alive*, August 10, 2023, <https://www.11alive.com/article/news/local/foster-care-hoteling-update-georgia/85-7b9b93c4-43c5-4fd9-b480-a5156d707ead>.

diate or "imminent" danger or risk of serious harm to a child's life or health—before just showing up at a person's home, that investigator should be going to court to get a search warrant, just like in the regular policing system. But they most often do not.

So parents are left at the mercy of this random person who has no checks or balances over what they're allowed to do, up to the point of just walking into a home and taking a child from their parent and placing that child with strangers, or in a facility, or sticking them in an office somewhere, or whatever else they do all around the country. In Texas and in Georgia and other places, they have kids in jail cells for their "protection."¹

KHADIJAH: Thank you. A lot of times we don't spell this out. Obviously, people in the hood know this. But since it's so segregated, this very basic information is often omitted, so I really appreciate you concretely spelling that out. Otherwise it's all in abstraction.



ANGELA: You know, that's just the surface of it.

I was working in a division of the New York court system called the Office for Justice Initiatives. There's a Court Improvement Project that's under that division. That project, the CIP, is a federally funded project under the federal Children's Bureau that's required for every state that receives child welfare funding under Title IV of the Social Security Act. I worked very closely with the CIP on various initiatives framed around the federal Children's Bureau's initiative around "racial equity" and improving the experience and outcomes for children and families in child protection cases.

My position with the court system was described as focused on elevating the unique perspective of parents' experience with the court system, with a focus on family justice and racial justice, and

that I would be working with the various divisions within the Office for Justice Initiatives on policy and training and things like that. So it was a very broad, open-ended job description that, from my understanding, would allow me to be flexible and continue the work that I had been doing before, and to bring that unique perspective into the court system that was missing.

There was no specific, concrete, "Here's your assignment" thing. It was just like the job that I had before for ten years at ILS: uncharted, "Make it up as you go along," which is what I love.

KHADIJAH: Autonomy.

ANGELA: Yeah, a lot of autonomy.

KHADIJAH: What did you do with that autonomy? What did you spend your time doing, and where were the points of friction that you encountered?

ANGELA: In the aftermath of being fired, I've been thinking about those very questions: What did I do with my time? And why did they fire me? When I transitioned from my former position at the Office of Indigent Legal Services, I'd already been working closely with the court system's Court Improvement Project on training programs and other initiatives around improving legal representation for parents. As a federal mandate, the Court Improvement Project has to work both with court system actors and the statewide child welfare oversight agency—in New York, that's the Office of Children and Family Services, OCFS. That agency manages the federal child welfare funding passed through to the local CPS agencies and sets statewide policy and rules and regulations for the local agencies.

The CIP program provided a great platform to bring in critical

perspectives on the child welfare system. My goal in working with the CIP was to think about how we can educate the broad spectrum of system players, both within the court and within agencies, as well as lawyers who represent children and parents, as well as caseworkers, supervisors, commissioners, et cetera. How can we create a training and educational platform that is not the same old, same old? They're in this bubble. A lot of them don't even understand or know there's this *huge movement* happening around abolishing the family policing system. So, as described in the announcement that went out, my goal was to bring our New York State family policing system actors into this conversation about what's happening nationally, and indeed internationally, about abolition and justice for Black families targeted by family policing. In our trainings, we centered parents and youth who survived the foster system, and brought in people like Dorothy Roberts, Miriam Mack, Dr. Tricia Stephens, and Jey Rajaraman.² I think that caused a stir among some people within the court system.

Basically, I was fired for doing what I was hired to do—heighten awareness about the anti-Black, racist roots of the family policing system and its ongoing harmful impacts on Black children and families. I was scheduled to speak at two events in July 2023: an educational briefing for the Congressional Foster Youth Caucus on the issue of "hidden foster care" and a public briefing held by the New York State Advisory Committee to the United States Commission on Civil Rights studying anti-Black racism in New York's family policing system.³

My bosses at the court system told me that, as a court employee, I was "denied permission" to speak at those events. They said my proposed remarks had nothing

2 Dorothy Roberts is a sociologist and legal scholar who has critically examined the role of race in the US child welfare system. Miriam Mack is policy expert in family defense legal services. Tricia Stephens is a social work scholar whose research focuses on race and intergenerational trauma. Jey Rajaraman is a policy advocate for children and the law.

3 For more on “hidden foster care,” see “Hidden Foster Care: Compelled Shadow Family Separations,” United Family Advocates, <https://www.unitedfamilyadvocates.org/hidden-foster-care>.

4 See “Committee Details,” CD-2133169 (July 21, 2023), FACA Database, <https://www.facadbatabase.gov/FACA/s/FACACommitteeDetail/a0z3d0000007zc6IAAQ/cd2133169?tabset=76273=f9609>; scroll down to Angela Burton Written Testimony 8_20_2023 (here’s the direct link - https://gsa-geo.my.salesforce.com/sfc/p/#t-00000000Gyj0/a/3d0000001g81k/Xr5CayI9OrnVi_7yCGRLqo_m8cx-CzmPMzJHQd84xac).

to do with court administration or operations and were just “analysis, opinions, and conclusions about existing executive branch and legislative child welfare policy.”

I said, “Fine. I’ll make it clear that I’m speaking in my personal capacity as a private citizen and not as a representative of the court system.” They were like, “Nope. If you speak at these events while employed by the court, you will be terminated.” When I insisted that I had the right to speak, they fired me the week before I was scheduled to speak. Ultimately, I didn’t speak at either event, but my written remarks submitted to the Civil Rights Advisory Committee are included as part of the public record.⁴

KHADIJAH: I’m reminded of this amazing Black tech scholar, Mimi Onuoha. She talks a lot about data omissions when it comes to Black people.⁵ There’s so much data that’s obsessively collected about chil-

dren in foster care, or their parents, who are considered pathological contaminants. There’s very little data collected on foster and adoptive parents, very little collected on the racial composition of family court. Could you just comment a little bit on, when you’re talking about [this], who are you training?

ANGELA: You mentioned that there’s very little data collected on that, right? There was an internal study that was done about the practices of New York City’s Administration for Children’s Services, and it talked about the fact that there’s that kind of stratification; the line workers, the people who go out into the community, are mainly Black and Latinx, and the upper management is pretty much white, with a few token people of color.

So, as you say, there’s no good data on the workforce. But in large part, if you look at reports that have come out about racism in the New York court system—the Jey Johnson report, the Franklin A. Williams report just last year—there’s that similar stratification in New York’s court system.⁶ The upper levels are much more white oriented—you know, the decision makers at the top. Although, in recent times, we now have the first Black chief judge of the New York State courts, Rowan Wilson. There are four deputy administrative judges right underneath the chief judge. One of them, my former boss, Edwina Richardson-Mendelson, is a Black woman. So there’s some diversity, if that’s what you want to call it. I don’t—that word doesn’t really catch it for me, but I’ll use it because it’s commonly used.

But that doesn’t really matter in the final analysis, because it’s not only, or primarily, about the people individually, or where they come from; it’s about the structure of the system, and what the structure mandates and dictates.

The construct of data is a whole other manifestation of the harm of the system; because the data that is collected is all about *what happens, and who it happens to*, as opposed to *who does it, and who does it to who*. They’re not collecting data on who the operators are, and what they’re doing to cause this harm. As a whole, it’s an unexplored aspect of the system. But again, I would take it up another level, just to say that in the final analysis, even if you put more Black people in higher positions, the structure of the system is still the same. It’s still going to be doing the same thing if they’re not critiquing or trying to tear down the system. If they’re just following the rules, you’re still going to see the same outcomes.

KHADIJAH: “Black” is not a universal category; I’ve observed African Americans being targeted specifically, and as somebody who’s a first-generation African immigrant, there are structural ways that I have more advantage because my family has been here for less time and therefore is less likely to have been criminalized or entered into the State Central Registry.

In the event that my kids were taken, we’d experience the violence of the system. But I’m more likely to have a family member that they could be placed with, versus somebody who is a descendent of chattel slavery in this country and who has been subjected to the system since the antebellum period; because my family is simply less likely to have been subjected to investigation and incorporated into the State Central Registry. From your vantage point of your professional and personal occupation, how do we disaggregate this category, “Black”? And how does this get lost in how the data is collected?

ANGELA: Like you said, tech and data both obscure and expand con-

trol over descendants of chattel slavery—African Americans, Black Americans, however you want to term it specifically. This is demonstrated by data that’s been coming out from Nora McCarthy, most recently, but also Hina Naveed’s Human Rights Watch report.⁷ It’s not just poor African Americans; the system also targets African American descendants of chattel slavery, no matter what their income level. The data is showing that, as well: that more affluent African American are more likely to be caught up in the system than other people, other groups of that same higher socioeconomic status.

I do use the term “Black,” but I always tie what’s happening to that subset of people in the system to the through line of chattel slavery. That is why I reject the focus on “disproportionality” and “disparity.”

KHADIJAH: I despise those terms, so I’m so happy to hear you bring that up.

ANGELA: Right, it’s not about, “Oh, we’re disproportionately represented,” like we just kind of walk into this shit on our own volition. No. We’re fucking targeted, okay? And the targeting of people of chattel slavery descent in this country is built into the fabric, the structure, the architecture, the funding of this family policing system as a continuation, in my estimation, of the profitmaking machine that was and continues to be chattel slavery.

KHADIJAH: I think strategically, for our public comms perspective, it has been useful to talk about the system as family policing, to call it carceral. To draw from Foucault: discipline and punishment is emanating from the prison. But I feel like there’s a limitation to this articulation because when you think about the direct through line of chattel slavery, auctioning of Black

babies—not all forms of discipline and punishment originate from the prison. In my mind, heavily relying on the lexicon from traditional policing in some ways obscures how the system operates. I gave the example of not having as many family members on the State Central Registry, but I also think about AFSA [Adoption and Safe Families Act], and how during [National] Adoption Month they’re having auctions of children that are severed from their parents—auctions where being Black has a financial implication. They’re labeled “hard to place” or “special needs” and therefore have an automatic subsidy attached to them. Could you walk us through a couple of concrete examples of how targeting African Americans is built into the system and has this throughline to chattel slavery?

ANGELA: The kinds of situations and circumstances, mainly around poverty and the lack of access to resources, that create the baseline for government intervention into families are directly related to the conditions and circumstances that too many Black families, as a result of chattel slavery, exist in. So the whole system is built around the conditions that were created by chattel slavery through the definition of “neglect” that targets Black families, descendants of chattel slavery, and leads to the “disproportionate representation” and disparate, harsher treatment of Black families; because it is still the same system. It’s just created in a different structure and framework and called something different.

The profit-making motive around child protective services can also be seen in the kinds of punitive “services” that are inflicted on families in response to the conditions that have been created from time immemorial.

- 5 See Mimi Onuoha, [The Library of Missing Datasets](https://mimionuoha.com/the-library-of-missing-data-sets), mixed-media installation, 2016, <https://mimionuoha.com/the-library-of-missing-data-sets>.
- 6 See Paul Weiss, “Secretary Johnson’s Independent Review of New York Court System Yields Recommendations for Advancing Equal Justice,” [Paul Weiss](https://www.paulweiss.com/about-the-firm/diversity-equity-inclusion/publications/secretary-johnson-s-independent-review-of-new-york-court-system-yields-recommendations-for-advancing-equal-justice?id=38301) (blog), October 15, 2020, <https://www.paulweiss.com/about-the-firm/diversity-equity-inclusion/publications/secretary-johnson-s-independent-review-of-new-york-court-system-yields-recommendations-for-advancing-equal-justice?id=38301>; Franklin H. Williams Judicial Commission of the New York State Courts, [Report on New York City Family Courts](https://www.nycourts.gov/LegacyPDFS/IP/ethnic-fairness/pdfs/FHW%20-%20Report%20on%20the%20NYC%20Family%20Courts%20-%20Final%20Report.pdf), n.d., <https://www.nycourts.gov/LegacyPDFS/IP/ethnic-fairness/pdfs/FHW%20-%20Report%20on%20the%20NYC%20Family%20Courts%20-%20Final%20Report.pdf>.
- 7 See “Child Welfare Impact Data,” Family Policy Project, <https://familypolicynyc.org/data/>; <https://www.aclu.org/report/if-i-wasnt-poor-i-wouldnt-be-unfit-family-separation-crisis-us-child-welfare-system>; Hina Naveed, “If I Wasn’t Poor, I Wouldn’t Be Unfit”: The Family Separation Crisis in the US Child Welfare System, 2022, ACLU research report in collaboration with Human Rights Watch, <https://www.aclu.org/report/if-i-wasnt-poor-i-wouldnt-be-unfit-family-separation-crisis-us-child-welfare-system>.

KHADIJAH: I think a lot about time. Time is actually an empty referent. If you look up the dictionary definition of “time,” it really just is tautological. It’s like, what are the rites and sets of things that we do to mark time. And so much of family policing is about being subjected to white time, having a nine-to-five, being in a “program,” which is keeping people inside during the specific set of time. And who they target is people who are not on that rhythm, right? And to be African American in the conditions that followed the end of the

- 8 Haloperidol, sold under the brand name Haldol, is a potent antipsychotic that has historically been overprescribed to Black men. See Jonathan Metzl, The Protest Psychosis (Boston: Beacon, 2010).
- 9 Angela Burton and Joyce McMillan, "Liberate the Black Family from the Family Policing System: A Reparations Perspective on Ending Anti-Black Racism in 'Child Welfare,'" Family Integrity and Justice Quarterly 1, no.3 (Summer 2022).

Civil War—there's a lot of rejection of the kinds of capitalist productivity that people would like, right? And I think about diagnoses like drapetomania, which was a clinical pathology of running away from the plantation, captivity.

ANGELA: Freeing yourself. Freeing yourself is a mental illness.

KHADIJAH: Or "protest psychosis," right, during the 1960s? And I really appreciate that book and how it talks about how Haldol was targeted at African American men.⁸ They would turn the fist backwards, so instead, the Black power fist becomes a form of pathological aggression.

Oh, rhythm—that's what I was going to say, about rhythm and time. It's not just the negative conditions in terms of poverty, but it's also the positive conditions. African American culture itself becomes targeted. You see examples of AAVE [African American Vernacular English] being evidenced as an intellectual disability, as if it doesn't have its own coherent grammar, and that then being used to legitimate the removal of a child. So there's aspects of African American culture and refusal to comply with white time that are specifically being targeted.

I see this also with "substance use." Whether or not it's even true

that a Black parent is using substances, the idea of people—I think of, like, *Reefer Madness*, right? Who is being targeted by family policing are those refusing the rhythm of white society, and that is all entangled with these accusations of polluting the behavior of the upstanding citizens [with] drugs. It's all mixed together, whether or not it's true at any given time.

ANGELA: Right. In the article that Joyce [McMillan] and I wrote about liberating the Black family from family policing, ultimately it's about freedom *to be*, right?⁹ Freedom. It's ultimately about freedom, and being relieved from this control and oversight of every intimate aspect of your life and your family's life. Partly as a result of family policing, and ultimately all of these other oppressive systems—armed policing, et cetera—a large swath of Black people in this country, as a result of the ongoing imposition of badges and incidents of slavery, have not yet been able to just *be* and to develop an educational system, health system, et cetera, et cetera; to develop and grow into who we need to be as ourselves outside of the white gaze, outside of the white rhythm, outside of the white. We ain't y'all. We don't *want to be* y'all. We're not *trying to be* y'all. We want to be ourselves. Leave us the fuck alone.

KHADIJAH: Motherfucking encore. That was so concise. That was perfect.

ANGELA: That's really what the ultimate thing is. White people: Don't y'all have something else to do? Go do your own thing. Leave us alone. But, again, it's the profit motive. It's the fascination and fear with Black bodies.

KHADIJAH: The fear also of Black power.

ANGELA: Yes. Our power is embodied within us, and so to control our bodies is to control our power. And that's part of the reason why, for me, getting fired is liberating as well. Even though I was trying to do what I was trying to do within the system, the freedom that I have now is more about working with our people on the ground. Like all this talking and articles and journals and conferences, and all that, is fine and good; hopefully you can reach some of the people who are decision makers, who can actually make some changes and get some shit done. But the power, to me, lies in sharing this information that I've gathered over thirty years with parent groups, with former foster youth, to help them understand. A lot of people are sort of misguided into, "Oh, if I tell my story," or, "If I change the narrative"—you can't tell your story and change the narrative without a real clear understanding of what this system is. Everybody tosses that word around, but not everybody understands how it actually operates, how it's actually set up, how what happened to you and what happened to sister girlfriend next to you and down the hall from you, around the corner from you, is the same thing. It's not a result of anything that you did, said, didn't do, what you are not, or what you are; it's an inevitable result of the system's operations, and it's catching up to all of us.

KHADIJAH: I really struggle with family policing organizing—not because I'm ambivalent about the system; burn that shit down yesterday—but one of the things that I despise is when we're made to rehearse scenes of abjection, to rehearse the story about the worst day in our life. There's nothing worse that you could do to a Black woman than take away their child. And we tell this story,

and then we do spoken words for these white women—who are typically the defense attorneys that I have encountered, anecdotally, although, like we talked about earlier, there's often not data on this. They're often white women, and they're like, "This is so powerful," right? And it's almost an S&M dynamic, like, "Oh, beat me," you know? "Beat me. We're so bad." And it's so gross, and so sexual and systematic.

ANGELA: Yeah, and they get to feel this fucking saviorism bullshit, right? What it allows them to do, and to keep their jobs, and to feel like they're this and that. And they're the same ones that are the descendants of slaveholding women, and the child savers, and whoever else—Catholic Charities and Child Welfare League of America and all these other bullshit organizations—that came for our children, and Indigenous and immigrant children as well, white immigrant children, to Americanize them.

KHADIJAH: Orphan train system.

ANGELA: Instead of railing against the system, and railing against

their own privilege and how they benefit from it, they get to frame themselves as champions.

KHADIJAH: I think half the time, people are like, "Khadijah, I don't know what predictive risk modeling is. I don't know what all this data shit is." But the data shit is *this*, you know? This desire to enumerate, count, measure, study, terrorize Black people, and subject them to a series of processes and procedures that they themselves are never collectively subjected to. And this is not just a continuation, to me, of chattel slavery, but also colonialism—thinking about anthropology, and how that went along with colonial bureaucracy. Even the tech critics often are married to the people who are designing these systems. So it's all this incestuous, entangled mess.

But the data stuff really just is this: this desire to not leave Black people alone, to not allow them to have peace, but to count them up, and also say that we have a moral, benevolent obligation to protect the next generation, and to protect us from this parent-child dyad.

ANGELA: The message that I am living and the truth that I feel that

I'm being called to bring is that in this day, in this time, family policing is one of the most egregious attacks and assaults on Black families, Black children. And particularly disgusting is the way Black children are treated at the hands of government and used as pawns in their despicable destruction and continuing control over Black families, and profiting off of the misery that they're inflicting on us generationally. This statistic that 53 percent of Black children will be investigated by CPS—and of course, investigation is not a neutral or benign thing—by the time they reach the age of eighteen reverberates generationally, to the point where at some point, somewhere in some generation not too far off in the future, *every* Black child will be affected. Because this is fifty years (in 2024) of the CPS system established by the 1974 Child Abuse Prevention and Treatment Act. Fifty years from CAPTA, we now have 53 percent of Black children being investigated. And with technology and predictive analytics and all that, I can imagine that within seven to ten years, every Black child in America will be investigated by CPS. ♦



The **Prison Library Support Network** is an information-based collective founded in 2016 to support incarcerated people by organizing networks for sharing resources and building capacity for the movement for prison abolition in libraries, archives, and other knowledge-based institutions. Learn more at <https://plsn-nyc.tumblr.com/>



Photo by
Nick van den Berg

Rest

In the painting, you trace the midnight black lines that come alive,
welcoming the name of your father, the name of his father, and those
from the before that poured into those that came after.

You can tell wisdom was fed here. Uniform to how they feed clay,
what it is that exited their wombs, you can see mothers feed the land
alongside them. Planting seeds twice, coffee hands ground
the dirt making way for pubescent newcomers.

Those in the after will come forth and bear the fruit of their love. And
they will come to learn softness. And they will come to learn warmth.
And they will come to learn color.

The ground is a part of the saga and carpets the green in the blue
house. Moving at a glacial rate
and furnishing the floor, decades lies splayed in the painting. A
starfish facing the open sky.

Right to Refusal: A Comic *Keon*



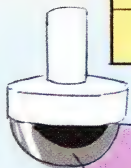
Hey Twister,
are you on your
way to the
studio?

yep



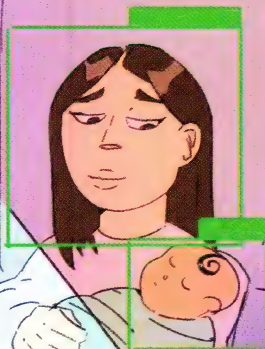
Are you taking the subway?

yep

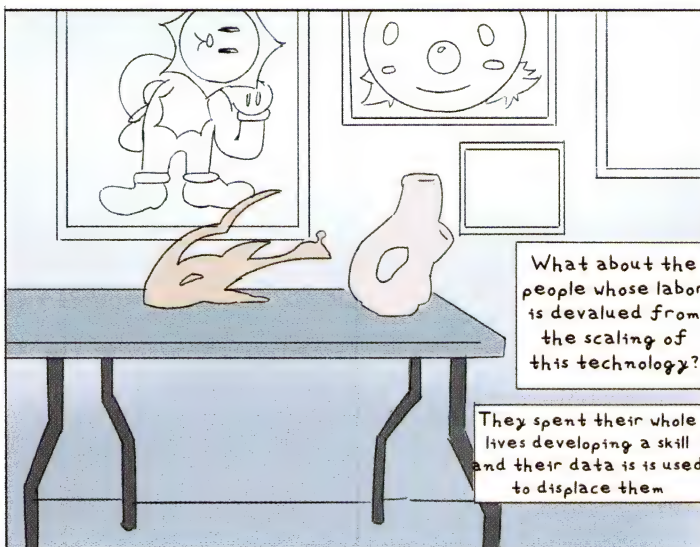
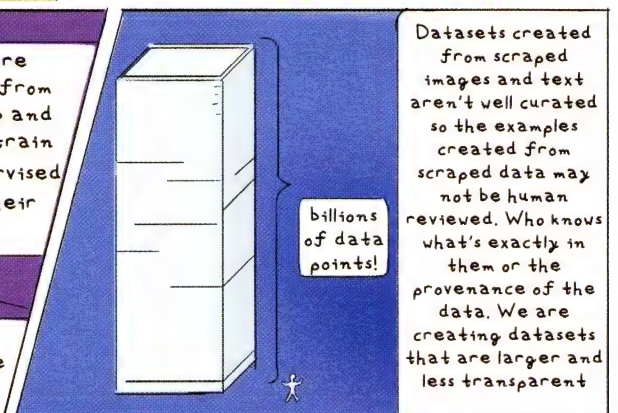
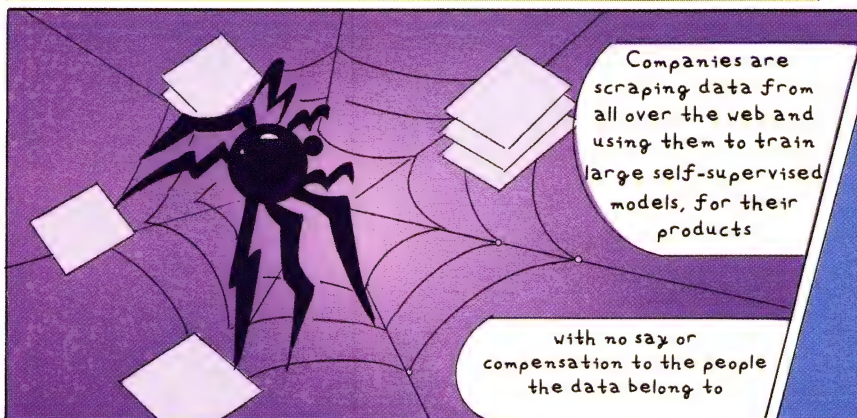
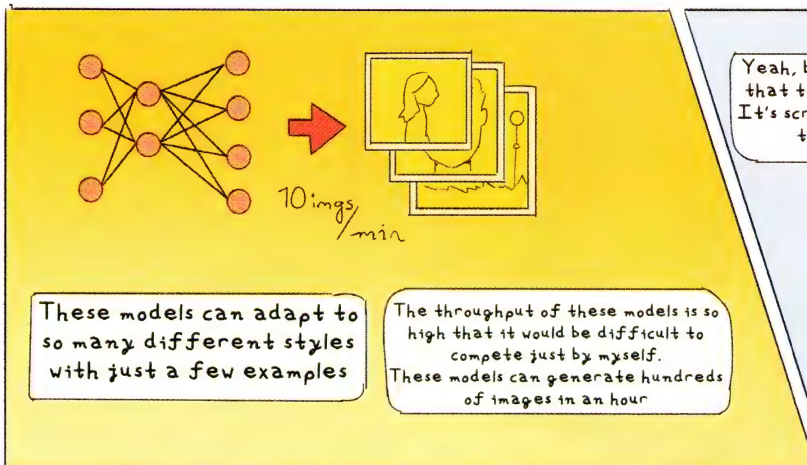


Are you being
tracked?

never.





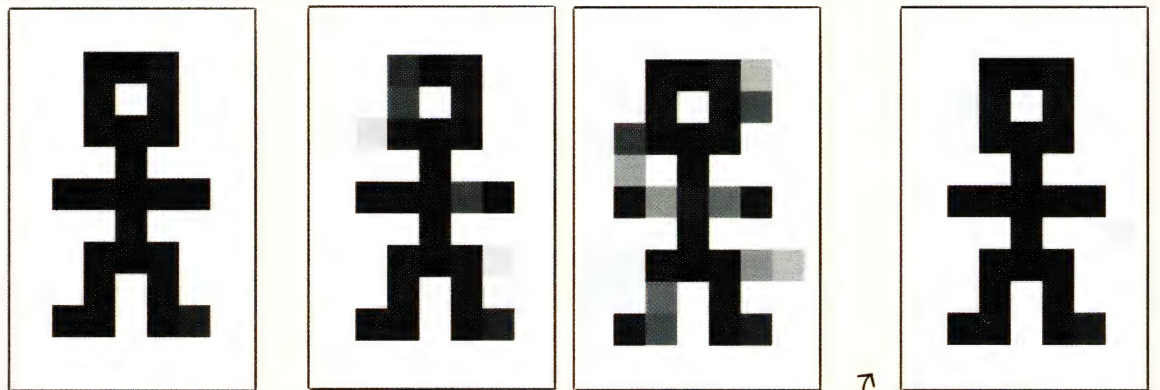




When a large self-supervised model is trained, usually the objective is to reconstruct the images in its training set. You can disrupt this process by "poisoning" your data, which disrupts what the model learns

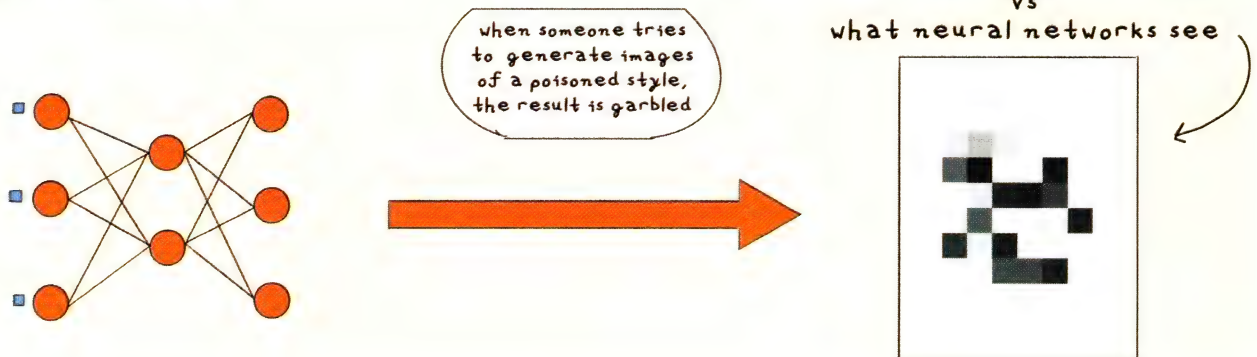
It adds small numerical perturbations to the pixels in your image in a way that is imperceptible to the human eye, but affects what trained models "see" dramatically.

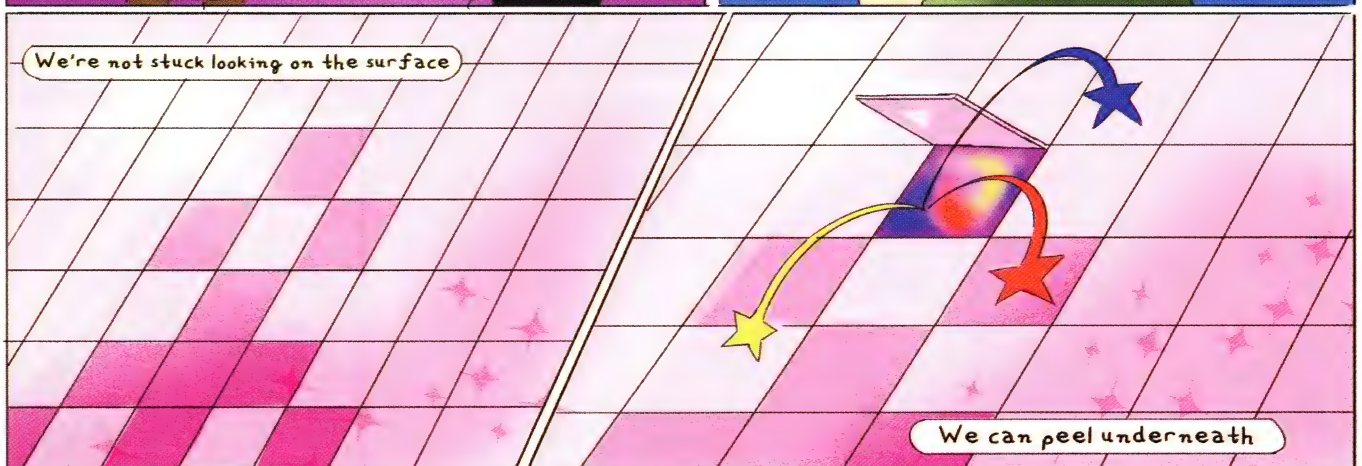
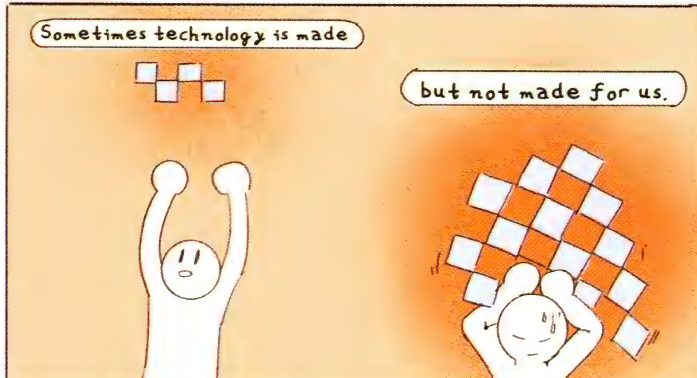
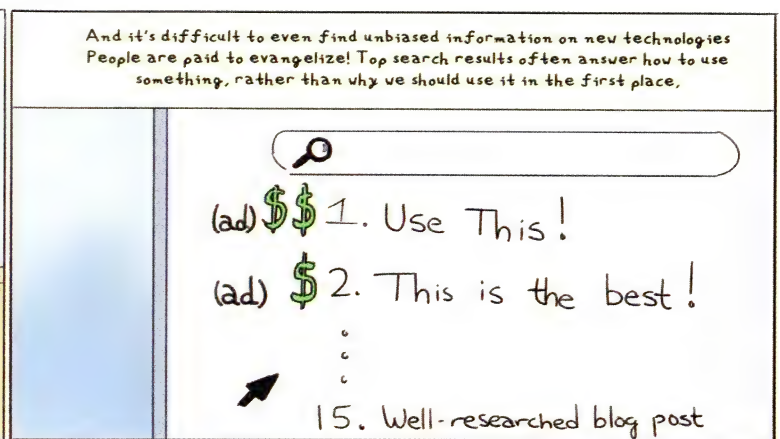
Ideally, you wouldn't be able to perceive the noise added to your image, for some styles it's more obvious



original image → image with noise

what humans see
vs
what neural networks see







a shape of black: adoption as theft, ancestry as freedom

matthew anthony omowale

IN A CLOSED TRANSNATIONAL ADOPTION,¹ memory is scrambled until it is nothing but an illegible frequency: a fracking black noise that threatens to loose the oil of the body. Ever since I was a child I've been hemorrhaging this way. My therapist says that adoption is trauma, and that I have poor memory because of complex post-traumatic stress disorder—"complex" meaning multiple sustained traumas. She says that our bodies know to let go of what is too heavy for us to carry and that this manifests as forgetfulness. But my story was hiding in plain sight the entire time.

At the time of this writing, my legal last name is Bogart. It is the family name of the people who purchased me from a private agency in Kentucky that coerces birthing people into retailing and foreclosing their relationship with their children.² Only later, as I grew older, did I realize the double-speak of this name, Bogart. The whitewashing machine of colonial narration uses dirty tricks and sanitized language to launder lives.

It started at birth. According to Kentucky state law, the birth certificate "shall show the adoptive parent or parents as the biological parent or parents of the child."³ A birth certificate is a form of administrative data powering predictive risk modeling in the family policing system.⁴ They track and retract us, blacken and redact us. But black kinship exists in excess of the spreadsheet. They cannot capture how haunted I have been by their data. And yet, as a child, I knew none of this.

1 As a legal term and within social work parlance, "transnational" typically refers to the adoption of a child from outside of the United States. Arguably, however, African Americans are a nation within the US; therefore the adoption of a black African American child by white Evangelicals is transnational in the same way we'd acknowledge it is so for a child from China or Korea.

2 Coercion, legal severance from birth parents, and rehoming are common practice within adoption in the US. For additional context, see Amy Whipple, "The Dubious Ways Parents Are Pressured to Give Up Their Children for Adoption," *Vice*, August 13, 2019, <https://www.vice.com/en/article/qvg45m/the-devious-ways-parents-are-pressured-to-give-up-their-children-for-adoption>.

- 3 KY Revised Statute § 199.570 (2022), <https://law.justia.com/codes/kentucky/2022/chapter-199/section-199-570/>.
- 4 The term “family policing” is used to connect the carceral logics of so-called child welfare to larger abolitionist movements. See Dorothy Roberts “To Abolish Family Policing,” interview by Zoé Samudzi and J. Khadijah Abdurahman, *Parapraxis*, n.d., <https://www.parapraxismagazine.com/articles/to-abolish-family-policing>.
- 5 Angela Y. Davis, *Narrative of the Life of Frederick Douglass: A New Critical Edition* by Angela Y. Davis (San Francisco: City Lights Books, 2010), 108.
- 6 Drawing from Frantz Fanon, “The Woman of Color and the White Man,” *Black Skin, White Masks*, Richard Philcox, trans. (New York: Grove, 2008), 33.
- 7 “A sundown town ... is an entire community (or even county) that for decades was ‘all white’ on purpose... Also, institutionalized persons (in prisons, hospitals, colleges, etc.), live-in servants (in white households), and black or interracial children (in white households) do not violate the taboo.” “James W. Loewen (1942–2021),” Tougaloo College History and Social Justice database, <https://justice.tougaloo.edu/sundown-town/roseburg-or/>.
- 8 Ham looked at his drunk and naked father Noah, who then cursed Ham to serve his brothers. This rationale is used to justify the last five hundred years of what has happened to those of African descent. See David M. Goldenberg, *Black and Slave: The Origins and History of the Curse of Ham* (Princeton, NJ: Princeton University Press, 2003).
- 9 Drawing from James Baldwin, *The Fire Next Time* (New York: Vintage, 1993), 4.
- 10 Christina Sharpe, “Preliminary Entries toward a Dictionary of Untranslatable Blackness,” *Ordinary Notes* (New York: Farrar, Straus & Giroux, 2023), 247–48.

*The means of knowing were withheld from me.*⁵

All we knew was that we wanted to be returned to our mother and father; but we weren’t allowed to express that desire or to feel that longing. This *confined us to an unbearable insularity*.⁶ Insulated, I would fantasize our father had accidentally misplaced us, daydream him swooping in to pick us up and bring us home. Imagine: away from the violent whiteness of the probable *sundown town* in Oregon to which we were bogarted.⁷ He would bring me to a black place where my twin, whom I will call Taiwo, and the seven Haitian children adopted by members of my legal parents’ church weren’t the only black people I knew. A place where people would look like me. A place where I wasn’t supposed to be okay with becoming a nigger.

I didn’t cry the first time I was called a nigger at seven years old, at the construction site of a white family whose house had burned down. But I felt violated in a way I had never known before that moment. I went to Mrs. Bogart and tattled on the racist white child who had commanded, “Go get me a hammer, nigger!” She patted me on the butt, “It’s okay, go back to work.” And I did. I did. I believed it was okay.

I was twenty-five when I read James Baldwin’s “Letter to My Nephew on the One Hundredth Anniversary of the Emancipation,” and by this I mean that I was twenty-five when I learned what had happened to me when I was seven and what had lodged in my spirit like a blade. They told me that I was black because I was a cursed being. A descendant of Ham.⁸ Inherently criminal. Inhuman. Nigger. But in that essay, Baldwin became Uncle Jimmy to me, as he instructed both his nephew and I that *the only way*

you can be destroyed is by believing that you really are what the white world calls a nigger. And, he said, the only reason he told us this was *because I love you*.⁹ Before him, for nearly two decades, I believed I was a nigger. Love was, for the first time, returning me to myself.

In that probable sundown town, our black bodies were a spectacle. The oft-repeated line Mrs. Bogart would use when people asked why her children were black was, “I drank too much chocolate milk when I was pregnant.” She’d let out a satisfied laugh and chuff, “That would always shut them up,” storying our bogartedness as if it were a natural consequence of her overindulgence. It was, but not how she meant it.

Spectacle is the right to capture, writes Christina Sharpe, *to capture what is deemed abjection, and the right to publish it. Spectacle is a relation of power*.¹⁰ To shut up those gawking at spectacle. Black children are to be a spectacle, not sounding alarms. My entire life was someone else’s attempt to subject me to a legal fiction with no look back. But this did not stop glimpses across to a world that could have been: *a Ghost Kingdom*.¹¹

To be a Negro in this country and to be relatively conscious is to be in a state of rage almost all of the time.¹²

I read these words years before I read the letter. I’m a teenager. In that time, and because I was bogarted, I was also forcibly un/related to a consciousness that would allow rage. Rage was punished in the house that was not home. Banned. Beaten. Drugged. Blackness was niggerdom. I hated my body and its experience of life. I had to wear a mask to survive.

The shape makes the black.¹³
The curve of the signature’s cur-
sive letters on the legally binding

document.

The encircling of the hills that form Garden Valley, the Fog (of war)

that is shaping perception at these altitudes of life, for this is a heightened experience of (capture.)

*a shape making the black.*¹⁴

Baldwin invited me to bend myself anew, towards a shape of black that was wakened to my relation to rage as a black inevitability, an ancestral inheritance. In doing so, he was becoming a kind of ancestor/ghost to me. This invitation, almost illegible, was difficult for me to accept because we were *not allowed freely to integrate the experience of our ancestors into our lives or to anchor the living present in any conscious community of memory.*¹⁵ Twin genealogical isolates ... *denied access to the social heritage of ancestors.*¹⁶ And we knew, like most folks trafficked by the adoption and child welfare / family policing industrial complex, that we were supposed to be grateful.¹⁷ Grateful to bury the memory of our kin as if they were the dead, as if none were ever ours in the first place: memory, our living, or our dead.

For the Bogarts to acknowledge our ancestors would mean to reckon with the living-but-erased: their participation in the coercion of our mother, a lineage disrupted by Christian (kinship) imperialism. What is/n't recognized as family? By whom?

For me? To be anchored by ancestors would be first to find a way to hear their voices, and then to tear the veil that masked my existence. Dying of thirst, I cobbled together a choir of voices and made myself the subject of their song; because black studies rarely specifically addresses the condition of those severed from kinship through adoption. I am having to pick up love. And put down the mask. Because

*love takes off the masks that we fear we cannot live without and know we cannot live within.*¹⁸

At all times, even as the mask was being constructed, it was crumbling.

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I remember [REDACTED]'s negative space as a child through calls and cards. In March of 2023, he texted me a picture of a Father's Day card I sent him in seventh grade, circa 2007. In it, I wrote, "Do you miss me yes no maybe (circle one). I know it's not about Father's Day, but that's 'cause we don't talk much anymore. See you later (probably not)." He tells me he searched for us, and every time he found us our adopters moved. I don't know whether or not this is true, but I know that in my early life we moved a lot, from Kentucky to Arizona to a few different towns in southern Oregon.

We were told that when we turned eighteen we could go searching for [REDACTED] and our mother. Five years later, we are thirteen, and I overhear Mr. and Mrs. Bogart saying they are going to put Taiwo in foster care. If he is going to be sent away *again*, I WANT IT TO BE TO OUR KIN.

I scoured Facebook, searching for [REDACTED]. When I found him, I messaged him what's happening. That he needed to save us. I would later forget that any of this happened (he reminds me in February 2023, casually telling me I saved Taiwo's life all those years ago). The following summer, at an Applebee's restaurant in Corvallis, Oregon, accompanied by Mr. and Mrs. Bogart and Taiwo (who'd been, functionally, in escrow at a residential home for a year), I came face to face with [REDACTED]. He took Taiwo to Kentucky and left me behind.

At least one of us would escape.

Soon after, I would also forget

11 "The ghosts who trail everyone in the adoption triad make up a shadow cast of characters. These ghosts are too dangerous to be allowed into consciousness. Instead they are dissociated, consigned to a spectral place I call the Ghost Kingdom. It is not located on a map, but in the geography of the mind." Betty Jean Lifton, 1994, available at <https://laven-derluz.com/ghost-kingdom-mag-gie-gallant/>.

12 James Baldwin, interview, WBAI Radio, New York, 1961.

13 Referencing the artist Torkwase Dyson, who said, "The shape makes the black." Retold by Christina Sharpe in her keynote address for the conference Colonial Repercussions, available on YouTube: <https://www.youtube.com/watch?v=fEkltTe-NR4&t=3215s>.

14 Poetry inspired by Sharpe's rendition of black shapeliness in her keynote address for Colonial Repercussions.

15 Orlando Patterson, referenced in Sharon Patricia Holland, Raising the Dead: Readings of Death and (Black) Subjectivity (Durham, NC: Duke University Press, 2000), 14.

16 Holland, Raising the Dead, 14.

17 See Jessica Stites, "The Adoption-Industrial Complex," In These Times, November 4, 2013, <https://inthesetimes.com/article/the-adoption-industrial-complex>.

18 Baldwin, The Fire Next Time, 95.

that I had been left behind by the father I'd daydreamed was coming to bring me home.

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Sitting in a therapist's office at eighteen years old, I listened to an Evangelical white woman tie my poor memory to PTSD. I denied it, telling her I hadn't experienced anything like trauma. She disagreed with me, but wanted me to stop talking about all the

19 See Ephesians 1:5, NIV translation: "[H]e predestined us for adoption to sonship through Jesus Christ, in accordance with his pleasure and will."

20 See Ancestry.com, the largest for-profit genealogy company in the world.

21 Saidiya Hartman, quoted in Christina Sharpe, "Lose Your Kin," *New Inquiry*, April 18, 2017, thenewinquiry.com/lose-your-kin/.

22 Christopher Chamberlain, "Akinship," in *Queer Kinship*, Tyler Bradway and Elizabeth Freeman, eds. (Durham, NC: Duke University Press, 2022), 208.

anti-blackness I was experiencing, the adoption. Why couldn't I just get over it? Jesus wants us to be at peace with each other. In that room, there was an incision, a small opening that I was not permitted to examine as if it were my own.

What I forgot to mention earlier: Mr. Bogart was an ex-missionary, and Mrs. Bogart an ex-nun. Adoption, for them, is bound to Evangelical logics of being adopted into their god's family. To become Christian, and then to look back, is a sin. In other words, to be adopted and then to desire to find your first family goes against the god who I am told *predestined us for adoption*,¹⁹ that act of holy repatriation from the earthly (black) father to the Heavenly Father and His servants (Mr. and Mrs. Bogart). If they wanted us to obey, they would recite the Ten Commandments.

God says, Children, obey your father and mother!

One day after church an adopted woman invites me to her home for a warm meal, pulls me aside, asks me to my face if I have "a birth-mother-sized hole in my heart." What does she know that I haven't been able to name? An emptiness? How to fill it?

Petition the state—ask them to find my mother and they'll ask her if she wants to be found by me. I want, need, to disregard the protocols of The Search. I end up not Searching, or, searching for how to Search differently. Mrs. Bogart says she won't help me; *it's your responsibility to find her*, she says.

My mother's name is a mystery to me; therefore, I am unable to backmap my ancestry using Ancestry.²⁰ When I try, due to my sealed records, there is no public record that I am anything other than bogarted. Instead, I am prompted to fill out the Bogart family tree. On either side, third- or fourth-generation immigrants from Germany, Prussia, to Wisconsin, Pennsylvania. I don't care. I care enough to notice they had no business in Kentucky; I was the business. I'm a secret from myself. How to slowly unravel? Snail-mail my DNA to a different company after the first fails you.

Somebody will index my longing as data, send me the results. *You are somebody's child, but we haven't logged enough longing to know whose. You are someone's cousin!!* Possibly. Maybe third or fourth. You'd have to ask them. I don't. I wait half a year to message, *Do you know my mother?* Word travels fast. An hour later I'm on the phone with a woman claiming to be my aunt asking, *Is my mother alive? What's her name?*

*Slavery is the ghost in the machine of kinship.*²¹ *We are dealing here with a haunting turned on its head: the machine torments the specter.*²²

I leave behind everyone I know and travel from Baltimore to Kentucky just to lay eyes on my mother. It's Fourth of July weekend, 2022. What kind of freedom am I supposed to celebrate at the family reunion? I'm still bogarted.



I pay for Taiwo's ticket, too. He's not as bogarted as me. Aunties and cousins and nephews, oh my. No mother. Not yet. I wait with my entire being for her to show up. At first sight she shrieks, *God gave me my babies back!!* I'm so arrested by her words I take them on as my name. *matthew omowale*. But I want to tell her it wasn't God. It was me. I returned your babies to you, ma. Just like I returned Taiwo to our father.

Seven, eight months went by. My father texts me. Since I was in Kentucky, I also met him. It was our second meeting, our first since he left me in Oregon and took Tai. He texts, *what would u say if eye change ur birth certificate.*



What do you mean change my birth certificate?

Do you got time to call tonight?

I have to consult a lawyer. I learn of Gregory Luce, the founder of Adoptee Rights Law Center, from #AdopteeTwitter. He tells me I could pursue a legal annulment of being bogarted but it's next to impossible because it requires consent.

Consent from who?

Your adopters.

I can't annul without their consent?

Immediately, I text the widowed Mrs. Bogart and ask if she would consent to annulment, *my mother and father want this, please*. I beg for restoration. She

says no, says she's afraid that would mean she'd have to give up Taiwo, too. I want to say, *You already did*, but I know what she means. When my twin was returned ("rehomed"),²³ there was no legal process. The state does not recognize his return. Which is why there is a warrant out for her arrest in the state of Kentucky for child abandonment. I could try to make a case around that warrant, or other things. It's the only other way to file for annulment: abuse. But it's too costly, financially and emotionally. Luce says the other option is adult adoption, which requires only that we be blood relatives. Luce says, *Don't forget to beg the judge for restoration of*

your original birth certificate. Ask, not beg.

I forget.

In August 2023 I sit in virtual court and the judge, a gray-haired white man, asks why I want to be adopted by this woman. I say my last adoption didn't work out. I don't want to be adopted anymore, or again, but I can't annul; I can't get consent from Mrs. Bogart. The judge says I need to ask my father for consent. I don't know if he means Mr. Bogart or [REDACTED]

Why?

It would be nice for him to know, he judges.

In all legal processes my consent is secondary, tertiary.²⁴

In twenty days, I have court again. My mother and I will be asked if we got the necessary consent. *Who are we to think we are too good to lie, cheat, and steal from these motherfuckers?*²⁵

By the time you read this, I'll have stolen myself back as best I could. ♦

²³ "An unregulated custody transfer, often referred to as rehoming, is the practice of adoptive parents transferring custody of a child to another individual or family without the involvement of the child welfare or other appropriate systems." See "Unregulated Custody Transfer of Adopted Children," Adoption Triad, August 2019, <https://www.childwelfare.gov/news-events/adoptiontriad/editions/aug2019/>.

²⁴ See, e.g., my entire fuckin' life.

²⁵ Fred Moten, in conversation with Stefano Harney, Sandra Ruiz, and Hypatia Vourloumis, "Resonances: A Conversation on Formless Formation," *e-flux Journal* 121 (October 2021), <https://www.e-flux.com/journal/121/423318/resonances-a-conversation-on-formless-formation/>.

The Allegheny Family Screening Tool's Overstatement of Utility and Risk

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The knock on the door came at 2:00 a.m.... The woman sat at my dining room table asking me a thousand questions, and the man wandered around, wordlessly inspecting my house... For the next forty-five to sixty days, the agency would investigate whether there was credible evidence that I was a neglectful or abusive parent... They insisted on completing the most dreaded aspect of an investigation: waking up the kids for strip searches to check them for bruises. I marched each of them out one at a time into the bathroom, where they had to remove all of their clothes down to their underwear, including the baby... As for the allegation of child abuse, I eventually beat the case and received a letter from the New York Statewide Central Register of Child Abuse and Maltreatment saying that the allegation was unsubstantiated. There's no innocence in family policing—only “We could prove you're abusive,” or “We couldn't prove you're abusive.”¹

—J. Khadijah Abdurahman, scholar and parent

I. CONTEXT OF AFST DEPLOYMENT

A. CHILD WELFARE AS FAMILY REGULATION

Each year, more than three million US children are subjected to investigations by state and local child welfare agencies, the majority of which are closed without a finding of maltreatment.² Most investigations result from allegations of “neglect,” a broad category, distinct from physical or sexual abuse, expansive enough to justify government oversight of families experiencing poverty or those whose parenting practices do not constitute abuse, but are unfamiliar or frowned upon by caseworkers or agencies.³ Families describe these investigations as frightening, invasive, stigmatizing, and rife with bias.⁴ Given the intrusive nature of child welfare interventions and the questionable benefit to impacted families and children, as detailed below, the terms “family regulation system” or “family policing system” are increasingly used to replace a moniker that encourages a view of the system as a neutral and benevolent protector.

While local investigation procedures and evidentiary thresholds vary, US child welfare law and practice is broadly structured around a paradigm of parental fault.⁵ Caseworkers are tasked with “support[ing] the same parents they are charged with investigating and prosecuting,”⁶ giving them contradictory mandates—both to refer parents and families to services, and to gather any information that could be marshaled as evidence of parental unfitness.⁷ Every interaction with the family regulation welfare system thus carries the possibility of disruption by government authorities—a threat that marginalized families, whom the family regulation system disproportionately targets, feel most acutely.

Meanwhile, the reach of this surveillance is extensive. By some estimates, over one-third of all US children are involved in a protective services investigation by the time they turn eighteen.⁸ It is also stunningly uneven. More than half of Black children experience an investigation in the same time frame, nearly double the rate for white children.⁹ And Indigenous children, Latinx children, and those from families experiencing poverty are also disproportionately subject to investigations and placement in foster care.¹⁰ While these interventions are theoretically supposed to protect children, empirical studies show that the trauma of investigation and family separation can have long-lasting effects. Additionally, young people with histories of welfare system involvement have lower rates of educational attainment,¹¹ decreased access to mental health services with a concomitant increased incidence of mental health needs,¹² and a disproportionately greater risk of future incarceration.¹³

1 J. Khadijah Abdurahman, Birthing Predictions of Premature Death, Logic 17 (August 2022), <https://logicmag.io/home/birthing-predictions-of-premature-death/>.

2 US Department of Health and Human Services, Office of the Administration for Children and Families, Child Maltreatment 2021, 19 ex.3-A (2022), <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2021.pdf>.

3 Josh Gupta-Kagan, “Confronting Indeterminacy and Bias in Child Protection Law,” Stanford Law and Policy Review 33 (2022): 217, 233–38.

4 Family Involvement in the Child Welfare System, Hearing Before the NY State Assembly Standing Committee on Children and Families, 2021

Leg., October 21, 2021 Sess. (N.Y. 2021) (statement of New York Civil Liberties Union), https://www.nyclu.org/sites/default/files/field_documents/211021-testimony-familyregulation_0.pdf. (“[T]hose investigated by [the child welfare system] experience it as a stressor that puts their families under a microscope and threatens them with separation.”); id. (statement of Desseray Wright, JMacc for Families, at 1:17:26), https://nystateassembly.granicus.com/MediaPlayer.php?view_id=8&clip_id=6408. (“[M]ost parents who have dealt with [protective services] have the same reaction. It is a traumatic situation... when [protective services] comes into your home, it doesn’t feel like they are there to help you.”); ACLU and Human Rights Watch, “If I Wasn’t Poor, I Wouldn’t Be Unfit”: The Family Separation Crisis in the U.S. Child Welfare System (November 2022).

5 Josh Gupta-Kagan, “Toward a Public Health Legal Structure for Child Welfare,” Nebraska Law Review 92 (2014): 897, 903; Cynthia Godsoe, “Parsing Parenthood,” Lewis and Clark Law Review 17, no. 113 (2013).

6 ACLU and Human Rights Watch, “If I Wasn’t Poor” (quoting NYU law professor Chris Gottlieb).

7 Anna Arons, “The Empty Promise of the Fourth Amendment in the Family Regulation System,” Washington University Law Review 100 (2023): 1057; Gupta-Kagan, “Child Welfare.”

8 See, for instance, Hyunil Kim et al., “Lifetime Prevalence of Investigating Child Maltreatment among US Children,” American Journal of Public Health 107, no. 274 (2017): 278.

9 Kim et al., “Lifetime Prevalence”; see also Frank Edwards et al., “Contact with Child Protective Services Is Pervasive but Unequally Distributed by Race and Ethnicity in Large U.S. Counties,” Proceedings of the National Academy of Sciences 118, no. 30: “In most counties [studied], having had a CPS investigation was a modal outcome for Black children.”

- 10 Alan J. Detlaff and Reiko Boyd, "Racial Disproportionality and Disparities in the Child Welfare System: Why Do They Exist, and What Can Be Done to Address Them?," Annals of the American Academy of Political and Social Sciences 692 (2020): 253, 254n1; Geen et al., "Welfare Reform's Effect on Child Welfare Caseloads," The Urban Institute, 11. See also Annie E. Casey Foundation, "Children in Foster Care by Race and Hispanic Origin in United States," Kids Count Data Center (<https://datacenter.aecf.org>), estimating that, in 2020, of all children in foster care, 22 percent were Hispanic or Latino, 23 percent were non-Hispanic Black, and 2 percent were non-Hispanic American Indian. Compare Annie E. Casey Foundation, "Child Population by Race & Ethnicity in United States," Kids Count Data Center, estimating that, of the total US population age under eighteen, 26 percent was Hispanic or Latino, 14 percent was non-Hispanic Black, and 1 percent was non-Hispanic American Indian.
 - 11 See Skiler Leonard, Allison A. Stiles, and Omar G. Gudiño, "School Engagement of Youth Investigated by Child Welfare Services: Associations with Academic Achievement & Mental Health," School Mental Health 8, no. 3 (2016): 386; Christina Dimakosa et al., "Aspirations Are Not Enough: Barriers to Educational Attainment for Youth Involved with Child Welfare," European Educational Researcher 5 (2022): 105 (showing similar outcomes in a longitudinal study of Canadian youth).
 - 12 See, for instance, Phyllis Gyamfi et al., "The Relationship between Child Welfare Involvement and Mental Health Outcomes of Young Children and their Caregivers Receiving Services in System of Care Communities," Journal of Emotional and Behavioral Disorders 20 (2010): 211; Barbara J. Burns et al., "Mental Health Need and Access to Mental Health Services by Youths Involved with Child Welfare: A National Survey," Journal of the American Academy of Child and Adolescent Psychiatry 43 (2004): 960.
 - 13 Sydney Goetz, "From Removal to Incarceration: How the Modern Child Welfare System and Its Unintended Consequences Catalyzed the Foster Care-to-Prison Pipeline," University of Maryland Law Journal of Race, Religion, Gender and Class 20 (2020): 289, 294-95; Melissa Johnson-Reid and Richard P. Barth, "From Placement to Prison: The Path to Adolescent Incarceration from Child Welfare Supervised Foster or Group Care," Children and Youth Services Review 22 (2000): 493; Ashly Marie Yamat, "The Foster Care-to-Prison Pipeline," Justice Policy Journal 17 (2020): 1. But, see E. Jason Baron and Max Gross, "Is There a Foster Care-to-Prison Pipeline? Evidence from Quasi-Randomly Assigned Investigators," National Bureau of Economic Research, Working Paper No. 29922 (April 2022), available at <https://www.nber.org/papers/w29922>.
 - 14 "DHS Offices," Allegheny County Department of Human Services, <https://www.alleghenycounty.us/Human-Services/About/Offices.aspx>.
 - 15 55 Pa. Admin. Code § 3490.223 (West 2022).
- The operation and impact of Pennsylvania's child welfare administration is largely consistent with these nationwide realities. In Allegheny County, the Department of Human Services (DHS) Office of Children, Youth, and Families (CYF) purports to provide "preventive, protection, and supportive services to work with children and families, with emphasis on family preservation" and "direct services through caseworkers, case aides, and a network of contracted agencies."¹⁴
- Both across the state and in Allegheny County, the majority of child welfare investigations and substantiations involve allegations of neglect, which in Pennsylvania are called General Protective Service reports. Regulations define GPS reports to include the sweeping category of situations where a child "[i]s without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals."¹⁵ Allegations of physical or sexual abuse are called child protective service (CPS) referrals.¹⁶ GPS reports have historically represented approximately 80 percent of allegations received by family regulation agencies across the state and been the majority of reports found to be valid.¹⁷ Allegheny County's distribution of reports received, types of reports, and validation rate is consistent with the state's overall trends. For instance, Pennsylvania's state DHS reported the following for 2019–2022:

	2019–2020 ¹⁸			2020–2021 ¹⁹			2021–2022 ²⁰		
	Total	Total Assessed	Total Valid/ Substantiated	Total	Total Assessed	Total Valid/ Substantiated	Total	Total Assessed	Total Valid/ Substantiated
GPS Reports	10,426	5,088 (48.8% of Total)	2,887 (56.7% of Total Assessed)	11,358	6,029 (53.1% of Total)	2,987 (57.6% of Total Assessed)	11,775	4,885 (41.5% of Total)	2,437 (49.9% of Total Assessed)
CPS Reports	2,360	2,360	190 (8.1% of Total Assessed)	2,711	2,711	181 (6.7% of Total Assessed)	2,790	Unknown as of publication	226

Among the GPS reports the County deemed valid in this period, the most commonly found concerns were (1) caregiver substance use, (2) child's behavioral health / intellectual disability concerns, (3) conduct by caregiver that places child at risk or fails to protect child, (4) experiencing homelessness/inadequate housing, and (5) truancy / educational neglect.²¹

Pennsylvania's child welfare system is also marked by racial disproportionality and disparities from intake to disposition, as was recently acknowledged by the state DHS in its 2021 *Racial Equity Report*. Black children constitute 14 percent of the state's total child population but make up 21 percent of children named in maltreatment allegations and 35 percent of the state's foster care population.²² And, as DHS acknowledged in this report, "[g]iven the trauma that children can experience when separated from their families and the impact such trauma can have on social, economic and health outcomes, racial disparities in placement rates can have long lasting effects that are detrimental to the well-being of Black children and their families."²³

B. LEGAL AUTHORITY AND LIMITS ON FAMILY REGULATION BY THE STATE

As a legal matter, the state can act to protect the health and well-being of children based on its inherent police powers and *parens patriae* authority.²⁴ At the same time, parents have a constitutionally protected interest in the "companionship, care, custody, and management" of their children, as the US Supreme Court has repeatedly acknowledged.²⁵ The Court has also held that parents and children have a shared constitutionally recognized interest in family preservation that "does not evaporate simply because [the parents] have

not been model parents or have lost temporary custody of their child to the State."²⁶ Notwithstanding this body of law and the related constitutional right to the "integrity of the family unit,"²⁷ the family regulation system suffers from a dearth of due process protections—that is, constitutionally mandated procedures intended to prevent state overreach—and adequate mechanisms to ensure parents and children are aware of and able to meaningfully assert their rights.²⁸

16 Jeremy D. Goldhaber-Fiebert and Lea Prince, *Impact Evaluation of a Predictive Risk Modeling Tool for Allegheny County's Child Welfare Office* (2019), https://www.alleghenycountyanalytics.us/wp-content/uploads/2019/05/Impact-Evaluation-from-16-AC-DHS-26-PredictiveRisk_Package_050119_FINAL-6.pdf. "Child protective services" (CPS) in other contexts often refers to a jurisdiction's child welfare agency. In this paper, from this point forward, we use "CPS" specifically to refer to the category of referrals required to be investigated.

17 Goldhaber-Fiebert and Prince, *Impact Evaluation*.

18 Pennsylvania Department of Human Services, *Child Protective Services 2020 Annual Report* (2021), 37-38, available at

https://www.dhs.pa.gov/docs/Publications/Documents/Child%20Abuse%20Reports/2020%20Child%20Protective%20Services%20Report_FINAL.pdf.

19 Pennsylvania Department of Human Services, *Child Protective Services 2021 Annual Report* (2022): 40-41, available at https://www.dhs.pa.gov/docs/OCYF/Documents/2021-CPS-REPORT_FINAL.pdf.

20 Pennsylvania Department of Human Services, *Child Protective Services 2022 Annual Report* (2023), available at https://www.dhs.pa.gov/docs/OCYF/Documents/2022-PA-CHILD-PROTECTIVE-SERVICES-REPORT-8-10-2023_FINAL.pdf.

21 The terminology and categories are taken from state reports. See Pennsylvania DHS, *Child Protective Services 2022 Annual Report*, 42. Although broad descriptors like "behavioral health ... concerns" make it difficult to discern exactly what these categories represent, they offer a coarse vision of the kinds of circumstances that might lead to a determination of neglect. Struggles with substance use, difficulty accessing services like mental health or occupational therapy, the inability to access reliable childcare or adequate housing, and challenges resulting in consistent low attendance seem to be the types of concerns that most commonly result in an administrative determination of neglect.

22 Pennsylvania Department of Human Services, *Racial Equity Report 2021*, 2, 13, <https://www.dhs.pa.gov/about/Documents/2021%20DHS%20Racial%20Equity%20Report%20final.pdf>.

23 Pennsylvania DHS, *Racial Equity Report 2021*, 13.

24 See, generally, Vivek S. Sankaran, "Parens Patriae Run Amuck: The Child Welfare System's Disregard for the Constitutional Rights of Nonoffending Parents," *Temple Law Review* 82 (2009): 55.

25 See, for instance, *In the Interest of K.A.W. and K.A.W.*, 133 S.W.3d 1 (2004); *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Pierce v. Soc'y of Sisters*, 268 U.S. 510 (1925) (recognizing right to direct upbringing and education of children); *Meyer v. Nebraska*, 262 U.S. 390 (1923) (recognizing right "to establish a home and bring up children").

26 *Glucksberg*, 521 U.S., 753-54.

27 *Stanley v. Illinois*, 405 U.S., 645, 651 (1972).

28 See, generally, Eli Hager, "In Child Welfare Cases, Most of Your Constitutional Rights Don't Apply," *ProPublica*, December 29, 2022, <https://www.propublica.org/article/some-constitutional-rights-dont-apply-in-child-welfare>.

29 Katz v. United States, 389 U.S. 347 (1967); Torres v. Madrid, 141 S. Ct. 989 (2021); Terry v. Ohio, 329 U.S. 1 (1968); Gideon v. Wainwright, 372 U.S. 335 (1963).

30 Balt. Dep't of Social Servs. v. Bouknight, 492 U.S. 549 (1990).

31 See Tarek Z. Ismail, "Family Policing and the Fourth Amendment," California Law Review 111 (2022). See also Benjamin R. Picker and Jonathan C. Dunsmoor, "Social Services and Constitutional Rights, a Balancing Act," American Bar Association (February 11, 2013), <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2013/social-services-constitutional-rights-balancing-act/>.

32 See Eli Hager, "Police Need Warrants to Search Homes. Child Welfare Agents Almost Never Get One," ProPublica, October 13, 2022, <https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>; Arons, "Empty Promise."

33 J.B. ex rel. Y.W.-B., 265 A.3d 602, 624, 625 (Pa. 2021).

34 Arons, "Empty Promise," 1057, 1088nn171-72, 174-75.

35 See Anna Belle Newport, "Civil Miranda Warnings: The Fight for Parents to Know Their Rights during a Child Protective Services Investigation," Columbia Human Rights Law Review 54 (2023): 1; Arons, "Empty Promise," 36-37.

36 See ACLU and Human Rights Watch, "If I Wasn't Poor, I Wouldn't Be Unfit," <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare>: "Parents interviewed ... lived in constant fear of caseworker retaliation. We heard several accounts of parents who believed they had been retaliated against when they tried to assert their rights, raise concerns, and advocate for themselves or their children. As a result, despite their anger and distress ... parents said they were afraid of showing any reaction or

emotion." Abdurahman, Birth-ing Predictions, recounting that in a protective services investigation, "it never matters whether you are a good parent or a bad one-the family police will look for whether you roll down" and comply.

A federal survey of protective service agents' decision-making found that "caregiver cooperation" was the modal factor agents cited as influencing their decision on how to dispose of an investigation, "rais[ing] the concern that clients who have a legitimate concern about the way their cases are being handled may be disadvantaged if they seem uncooperative." US Department of Health and Human Services, Administration for Children and Families "CPS Sample Component Wave 1 Data Analysis Report 4-15," National Survey of Child and Adolescent Well-Being (April 2005), https://www.acf.hhs.gov/sites/default/files/documents/opre/cps_report_revised_090105.pdf.

37 Arons, "Empty Promise," 36-37.

38 J.B. ex rel. Y.W.-B., 2265 A.3d 602 (Pa. 2021).

By way of example, criminal law enforcement's ability to enter a home and question, search, or detain people is at least formally circumscribed by constitutional limits.²⁹ Comparable protections limiting child welfare caseworkers' ability to question, search, or detain parents or children are scant,³⁰ not clearly established,³¹ or routinely flouted and underenforced,³² even though child welfare investigations can result in loss of a parent's fundamental right to make educational or medical decisions, temporary or permanent family separation, and even criminal charges.³³ Similarly, although almost every federal court of appeals to decide the issue has held that the Fourth Amendment requires child welfare agents to have either probable cause or judi-

cial authorization to enter a home in the absence of consent,³⁴ a host of factors have made this constitutional right an inadequate restraint on child welfare investigations. Parents often do not know of these rights, and all but a handful of states impose no obligation whatsoever to inform parents of their existence. What's more, any state-law right-to-counsel guarantee typically attaches well after the initial entry and investigation.³⁵ Even for parents equipped with this knowledge, invoking their and their families' rights can be a double-edged sword: while it may delay or avoid an unwarranted search, refusal to cooperate with family police can be, and routinely is, cited as an additional basis for agency intervention.³⁶ Moreover, if the parents or their counsel convince a court that a home entry was unconstitutional, the agent's observations from the search are still admissible in court. The lack of a meaningful remedy disincentivizes families from contesting unlawful entry and family regulation agents from following these legal requirements.³⁷

This appears to be the case also in Pennsylvania, whose high court in 2021 issued an extraordinary ruling that not only required probable cause for child welfare investigators to obtain a home-entry order, but further set specific evidentiary and procedural requirements for the issuance of such orders.³⁸ While it is exceedingly difficult to assess child welfare investigators' on-the-ground compliance with this new rule, without reliable knowledge of their and their families' rights, access to early-stage representation, or a reliable means to challenge unlawful home entries after the fact, parents face tall barriers to vindicating rights even under Pennsylvania's more protective regime.

Thus, parents facing investigation might (and often do) feel obligated to open their homes for

search, offer up sensitive medical information, or make their children available for traumatizing “body checks” by state agents.³⁹ A family may acquiesce to “strict behavioral compliance requirements” as a condition of remaining in each other’s care,⁴⁰ or even burdensome “safety” plans” that separate children from their parents without any formal process, judicial oversight, or independent determination of parental unfitness.⁴¹

C. IMPACT OF SYSTEM INVOLVEMENT ON FAMILIES AND CHILDREN

The state’s justification for this system is to promote the safety and well-being of children. Yet every step—from the moment of initial contact with a caseworker to removal from the family and entry into foster care—poses the risk of serious emotional, psychological, and physical harm to parents and children.

In 2022, a joint report of the American Civil Liberties Union (ACLU) and Human Rights Watch found that parents across the country had similar experiences of child welfare involvement, notwithstanding differences in child welfare practice from one jurisdiction to the next. Investigations and monitoring of a family’s conduct, which take place even if no child is removed, were like “‘living under a microscope,’ and a parent’s appearance, mannerisms, or tone of voice could be used against them in a child welfare report.”⁴² The ubiquitous presence of mandated child welfare reporters at agencies that provide services for families in need—from educational programs to government benefits,⁴³ mental health or medical care to safety services⁴⁴—undermined their trust in and undermined their willingness to engage with these providers. Parents felt they were presumed “guilty before proven in-

nocent”⁴⁵ and “under constant surveillance.”⁴⁶ A study conducted to find out how affected communities in Allegheny County felt about the introduction of an algorithmic decision-making tool in the County’s child welfare practice showed the same distrust exists among parents involved in the County’s child welfare system:

Families often referred to negative experiences in their own lives, and reflected on the oppositional nature of the system, saying, for instance, “It’s been me versus the system.” Most family participants had low perceptions of trust in the decisions made, and low expectations of the benefits that the system could provide.⁴⁷

39 See, for instance, Shalonda Curtis-Hackett, “Stop Weaponizing Protective Services,” *New York Daily News*, November 8, 2021, <https://www.nydailynews.com/opinion/ny-oped-stop-weaponizing-child-protective-services-20211108-lkjehwmtlzbwljj2fmfneokswu-story.html>: “[T]he caseworker issued an ultimatum: I could comply with her investigation and ongoing surveillance or she would involve police or Family Court. I didn’t really know my rights and the last thing I needed was more threats to my children’s safety, so I complied.”

40 Virginia Eubanks, *Automating Inequality* (2018), quoted in Bridget Lavender, “Coercion, Criminalization, and Child ‘Protection’: Homeless Individuals’ Reproductive Lives,” *University of Pennsylvania Law Review* 169 (2021): 1607, 1666.

41 Josh Gupta-Kagan, “American’s Hidden Foster Care System,” *Stanford Law Review* 72 (2020), 841, 851–52 (describing how “safety plans” can effectuate changes in physical custody); Lizzie Presser, “How ‘Shadow’ Foster Care Is Tearing Families Apart,” *New York Times*, December 1, 2021, <https://www.nytimes.com/2021/12/01/magazine/shadow-foster-care>.

[html](https://www.nytimes.com/2021/12/01/magazine/shadow-foster-care); Roxanna Asgarian, “Hidden Foster Care: All of the Responsibility, None of the Resources,” *Appeal*, December 21, 2020, <https://theappeal.org/hidden-foster-care/>. But, see *Croft v. Westmoreland Cnty. Child. & Youth Servs.*, 103 F.3d 1123 (1997) (suggesting that safety plans based on the threat of child removal are inherently coercive and require some due process protections).

42 ACLU and Human Rights Watch, “If I Wasn’t Poor,” 55.

43 Kelley Fong, “Concealment and Constraint: Child Protective Services Fears and Poor Mothers’ Institutional Engagement,” *Social Forces* 97 (2018): 1785.

44 Brief of Amicus Curiae ACLU Supporting Plaintiffs-Appellees Subclass A & Supporting Affirmance, *Nicholson v. Scopetta*, 116 Fed. App’x 313 (2d Cir. 2004) (arguing that the threat of investigation and removal by protective services can encourage domestic-violence survivors to seek “to avoid official notice,” “aggravate[ing] the loss of control” experienced by these communities and “deter[ring] them from breaking free from their abusers”).

45 Stephanie Clifford, “When the Misdiagnosis Is Child Abuse,” *Marshall Project*, August 20, 2020, <https://www.themarshallproject.org/2020/08/20/two-families-two-fates-when-the-misdiagnosis-is-child-abuse>; see also Pamela Davies, “The Impact of a Child Protection Investigation: A Personal Reflective Account,” *Journal of Child and Family Social Work* 16 (2011): 201, 202.

46 Judy Hughes, Shirley Chau, and Lisa Vokrri, “Mother’s Narratives of Their Involvement with Child Welfare Services,” *Affilia: Journal of Women and Social Work* 31 (2016): 1, 6 (documenting the experiences of thirty-two Canadian mothers with histories of system involvement).

47 Anna Brown et al., “Toward Algorithmic Accountability in Public Services,” *CHI ’19: Proceedings of CHI Conference on Human Factors in Computing Systems* (2019): 7, <https://dl.acm.org/doi/pdf/10.1145/3290605.3300271>.

48 Joseph Goldstein et al., The Best Interests of the Child: The Least Detrimental Alternative (1996), 97 (quoted in Arons, "Empty Promise," 1057, 1073).

49 Casey Family Programs, Issue Brief, How Does Investigation, Removal, and Placement Cause Trauma for Children? (updated May 2018), 2, https://caseyfamilypro.wpenginepowered.com/media/SC_Investigation-removal-placement-causes-trauma.pdf; Amanda Anger, "Unjust, Coercive Police Interviews Are Traumatizing Children of Color," TruthOut, September 12, 2019, <https://truthout.org/articles/unjust-coercive-police-interviews-are-traumatizing-children-of-color/> (describing interviews in Child Advocacy Centers, where "[c]hildren sit isolated from their loved ones as police grill them for long periods of time. Interviews sometimes include a strip search."); Hager, "Police Need Warrants" (quoting a children's rights advocate's view that "[f]or the child, [investigations are] about bodily integrity"; and quoting an affected parent's difficulty "figure[ing] out how to talk to her sons about that time when strangers came in the middle of the night to take them away—all because she'd tried to guard them and their home. 'This shouldn't be in their memory, and it kills me that I can't take it out,' she sa[ys].").

50 ACLU and Human Rights Watch, "If I Wasn't Poor, I Wouldn't Be Unfit."

51 Colleen Kraft, American Academy of Pediatrics, "AAP Statement Opposing Separation of Children and Parents at the Border," Press Release, May 8, 2018, <https://www.aap.org/en/news-room/news-releases/aap/2018/aap-statement-opposing-separation-of-children-and-parents-at-the-border/>; see William Wan, "What Separation from Parents Does to Children: 'The Effect Is Catastrophic,'" Washington Post, June 18, 2018, https://www.washingtonpost.com/national/health-science/what-separation-from-parents-does-to-children-the-effect-is-catastrophic/2018/06/18/c00c30ec-732c-11e8-805c-4b67019fcfe4_story.html;

William Wan, "The Trauma of Separation Lingers Long after Children Are Reunited with Parents," Washington Post, June 20, 2018, https://www.washingtonpost.com/national/health-science/the-trauma-of-separation-lingers-long-after-children-are-reunited-with-parents/2018/06/20/cf693440-74c6-11e8-b4b7-308400242c2e_story.html. See also Vivek Sankaran, Christopher Church, and Monique Mitchell, "A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families," Marquette Law Review 102 (2019): 1161, 1166-69.

52 See Eli Hager, "The Hidden Trauma of 'Short Stays' in Foster Care," Marshall Project, February 11, 2020, <https://www.themarshallproject.org/2020/02/11/the-hidden-trauma-of-short-stays-in-foster-care>; Vivek Sankaran and Christopher Church, "Easy Come, Easy Go: The Plight of Children Who Spend Less than Thirty Days in Foster Care," University of Pennsylvania Journal of Law and Social Change 19 (2016): 220 fig. 5.

53 Shanta Trivdei, "The Harm of Removal," New York University Review of Law and Social Change 43 (2019): 523.

Investigations also constitute a significant invasion into children's privacy and bodily integrity, and disturb relationships that otherwise provide a crucial source of stability, especially for young children.⁴⁸ Isolating children from their caregivers to be questioned and searched, whether at school or at home, can shake young people's sense that their environment is reliable and safe, and impart a sense of stigma.⁴⁹ One California mother described the impact on her children as follows:

[My children] already have to deal with this [investigation] at home, and the school may have been the only safe space for my child. But the minute the social workers go there, they take that away from them. There is a level of shame that they start to carry, that [their] parents are going

through this. They have to tell their friends: "That's my social worker"... It makes [my children] very uncomfortable and like they are being looked at differently.⁵⁰

Beyond investigation, the short-term or permanent removal of a child from their family also leaves a lasting mark. In the words of the American Association of Pediatrics, family separation "can cause irreparable harm, disrupting a child's brain architecture and affecting his or her short- and long-term health. This type of prolonged exposure to serious stress—known as toxic stress—can carry lifelong consequences."⁵¹ This is true even of the brief separations that abound in the family regulation system,⁵² where case agents are uniquely empowered to remove children from their homes on an emergency basis without judicial authorization. A child entering the foster system may be separated not only from parents but from siblings, other relatives and caregivers, their school environment, and their broader community; and they may experience this loss many times over as they are transferred from one setting to another in a phenomenon known as "foster care drift." Further, the uncertainty inherent in a family regulation investigation is itself deeply destabilizing and interferes with young people's ability to form healthy attachments throughout their lives.⁵³

Placement in foster care also raises the risks of physical harm to children. As countless news reports document, and studies bear out, children in the foster system are especially susceptible to maltreatment.⁵⁴ One study of residential child welfare facilities in Pennsylvania's foster system found that children in such facilities are subject to a "pattern of: physical, verbal, and sexual abuse ... by staff; lack of supervision by staff lead-

ing to child-on-child physical and sexual assaults; and inappropriate use of restraints, all of which place children at grave risk of harm.”⁵⁵ Notably, the family regulation system’s perception of analogous risks often forms the basis for separating families in the first instance.

Research demonstrates dramatically higher incidence of mental health challenges like depression and post-traumatic stress disorder among young people in the foster system than in the general population.⁵⁶ Some studies have found that the rate of PTSD in foster children nearly doubles that experienced by war veterans.⁵⁷ Meanwhile, mental health services remain under-accessed, and children in foster care are instead subjected to unnecessary and/or overuse of psychotropic medication instead.⁵⁸ This follows the pattern of physical health outcomes for children in the foster system, which research shows is routinely ignored and untreated.⁵⁹ According to one report by the American Academy of Pediatrics, “Children and adolescents in foster care have a higher prevalence of physical, developmental, dental, and behavioral health conditions than any other group of children. Typically, these health conditions are chronic, under-identified, and undertreated.”⁶⁰

Despite the empirical and qualitative research documenting the harms of separating families, as of 2019, only two jurisdictions—Washington, DC, and New York State—require courts to consider the harm removal might cause a child when making decisions about child placement.⁶¹ Elsewhere, the two principal questions that courts must ask is whether the state made “reasonable efforts” to prevent removal, as required by federal law, and whether the child faces sufficient risk of harm in the absence of removal to justify separating them from their family.⁶² To the

extent some states’ laws also require courts to consider the “best interests of the child” and states do not prohibit courts from weighing the risks of harm from separation and/or foster care placement, without an affirmative mandate to do so and without clear direction how those risks should be factored, courts are free to ignore or

54 See, for instance, Roxana Asgarian, “His Siblings Were Killed by Their Adoptive Mother. He Was Left in Foster Care to Suffer a More Common Fate,” *Washington Post*, December 11, 2019, https://www.washingtonpost.com/national/his-siblings-were-killed-by-their-adoptive-mother-he-was-left-in-foster-care-to-suffer-a-more-common-fate/2019/12/11/f54f793a-d654-11e9-9610-fb-56c5522e1c_story.html; Michael Levenson, “Scores of Massachusetts Children Mistreated in Foster Homes,” *Boston Globe*, September 1, 2015, <https://www.bostonglobe.com/metro/2015/09/01/report/KmxuJqL5RAfy9bPZ39WVIN/story.html>; see National Coalition for Child Protection Reform, *Foster Care vs. Family Preservation: The Track Record on Safety and Well-Being*, 1; Mary I. Benedict and Susan Zuvavin, *Factors Associated with Child Maltreatment by Family Foster Care Providers* (Baltimore: Johns Hopkins University School of Hygiene and Public Health, 1992), 28–30 (reporting that in Baltimore, the rate of substantiated sexual abuse in foster homes was four times that of the general population); J. William Spencer and Dean D. Knudsen, *Out-of-Home Maltreatment: An Analysis of Risk in Various Settings for Children, Children and Youth Services Review* 485 (1992): 14 (reporting that in Indiana, the rate of sexual abuse in foster homes was twice that in the general population, and the rate of physical abuse was triple that in the general population).

55 Elissa Glucksman Hyne et al., *Unsafe and Uneducated: Indifference to Dangers in Pennsylvania’s Residential Child Welfare Facilities*, Education Law Center and Children’s Rights (2018), 9 <https://www.childrensrights.org/wp-content/>

[uploads/2018/12/2018_Pennsylvania-Residential-Facilities-Childrens-Rights-Education-Law-Center.pdf](https://www.childrensrights.org/wp-content/uploads/2018/12/2018_Pennsylvania-Residential-Facilities-Childrens-Rights-Education-Law-Center.pdf).

56 Shanta Trivedi, “The Harm of Child Removal,” *New York University Review of Law and Social Change* 43 (2019): 549; Peter J. Pecora et al., *Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study* (2005), 30; Delilah Bruskas and Dale H. Tassin, “Adverse Childhood Experiences and Psychological Well-Being of Women Who Were in Foster Care as Children,” *Permanente Journal* 17, no. 3 (2013): 134.

57 Pecora et al., *Improving Family Foster Care*, 1.

58 Trivedi, “Harm of Child Removal,” 550 (citing Pecora et al., *Improving Family Foster Care*, 19); Rachael J. Keefe, “Psychotropic Medication Prescribing: Youth in Foster Care Compared with Other Medicaid Enrollees,” *Journal of Child and Adolescent Psychopharmacology* (May 2023); Office of Inspector General, US Department of Health and Human Services, *Treatment Planning and Medication Monitoring Were Lacking for Children in Foster Care Receiving Psychotropic Medication* (2018).

59 US Department of Health and Human Services, *Treatment Planning*, 546nn182–85, 547nn186–94.

60 Task Force on Health Care for Children in Foster Care, American Academy of Pediatrics, *Fostering Health: Health Care for Children and Adolescents in Foster Care*, 2nd ed. (2005), ix.

61 Trivedi, “Harm of Child Removal,” 523; Sankaran, Church, and Mitchell, “Cure Worse Than the Disease?,” 1166–69.

62 As a condition of certain federal funds, states are required to make “reasonable efforts” to preserve and reunify families before a child is placed in foster care, to prevent or eliminate the need for family separation and to make a safe reunification possible so that the child can return home. Federal law and agency regulations do not provide a more detailed

definition, noting only that what constitutes reasonable efforts is fact specific.

63 Trivedi, "Harm of Child Removal," 562.

64 Rhema Vaithianathan et al., Developing Predictive Models to Support Child Maltreatment Hotline Screening Decisions: Allegheny County Methodology and Implementation (2017), 4, https://www.alleghenycountyanalytics.us/wp-content/uploads/2019/05/Methodology-V1-from-16-ACDHS-26_PredictiveRisk_Package_050119_FINAL.pdf.

65 AUT Enterprises Ltd., Response to County of Allegheny Request for Proposal to Design and Implement Decision Support Tools and Predictive Analytics in Human Services (2014), 5, 23, <https://www.alleghenycounty.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=64424966>.

66 Vaithianathan et al., Developing Predictive Models, 5.

67 Goldhaber-Fiebert and Prince, Impact Evaluation, 1n1.

68 On August 1, 2016, Allegheny County implemented a new field screening policy, lowering the age at which field screens are conducted from children six or younger to children three or younger and implementing other changes. Vaithianathan et al., Developing Predictive Models, 6n1: "Field screens are now conducted when (a) reports involve children age 3 and younger who are impacted by the allegations, (b) when a report is the fourth referral for a family within two years and there has not been a previous investigation, (c) when a report involves children who are in cyber/home school, or (d) whenever call screening staff would like more information about the allegations, children, or family."

downplay such evidence. Thus, as scholar Shanta Trivedi has pointed out, "a judge could easily find that moving to a foster home in a better neighborhood with wealthier foster parents is in a child's best interest, even if significant harm-of-removal evidence is adduced."⁶³

69 Initially the AFST generated two risk scores, one concerning the likelihood a child would be removed from their family's care within two years of the maltreatment allegations and another for the likelihood that the child would be the subject of additional maltreatment allegations during that period. In 2018, the county and tool designers eliminated discontinued use of the latter so that only one risk score, i.e., the likelihood of family separation, is generated. See Rhema Vaithianathan et al., Allegheny Family Screening Tool: Methodology, Version 2, (April 2019), 2-3, https://www.alleghenycountyanalytics.us/wp-content/uploads/2019/05/Methodology-V2-from-16-ACDHS-26_PredictiveRisk_Package_050119_FINAL-7.pdf.

D. THE DESIGN AND PURPOSE OF THE ALLEGHENY FAMILY SCREENING TOOL

Against this backdrop, in August 2016, the Allegheny County Department of Human Services (hereafter, "Allegheny County") launched what has quite possibly become the most prominent predictive analytics tool in the US child welfare system: the Allegheny Family Screening Tool (AFST). The agency first issued a call for proposals in 2014 to design a system that would "(1) improve the ability to make efficient and consistent data-driven service decisions based on County records, (2) ensure public sector resources were being equitably directed to the County's most vulnerable clients, and (3) promote improvements in the overall health, safety and well-being of County residents."⁶⁴

The winning proposal involved the creation of an algorithmic tool, the AFST, which promised to allow "large populations to be easily and cost effectively screened" and argued that "computer-generated algorithms" would provide the basis for a "far more reliable mea-

sure of success or failure than the intuitions and anecdotal evidence of frontline staff by themselves."⁶⁵ Essentially, the AFST would cull County records for data about people who had been investigated by its child welfare agency, the CYF, and identify those data points (known as "features" or "variables") that correlated with cases in which the County eventually removed a child.

The AFST is used only in the context of GPS reports, not those designated as alleging abuse or severe neglect. State law requires local child welfare agencies to investigate reports in this latter category, which in Pennsylvania are called CPS referrals.⁶⁶ Line-level screening staff retain discretion over how local child welfare agencies respond to referrals designated as GPS.⁶⁷

With the introduction of the AFST, a GPS referral may be:

1. screened out (i.e., closed) upon receipt;
2. forwarded for a field screen⁶⁸ (i.e., a "home visit") to determine whether a full investigation is warranted; or
3. immediately screened in, thereby launching a full investigation.

Upon implementation, call screening workers would enter information about the allegations and people involved in a GPS referral. The AFST would then estimate the likelihood that the referral would result in forcible family separation by the state within two years if it were to be screened in, based on whether and how the historically identified data points also appeared in the intake. As currently used, the AFST expresses this estimation as a "risk" score between one (lowest relative risk) and twenty (highest relative risk), where risk

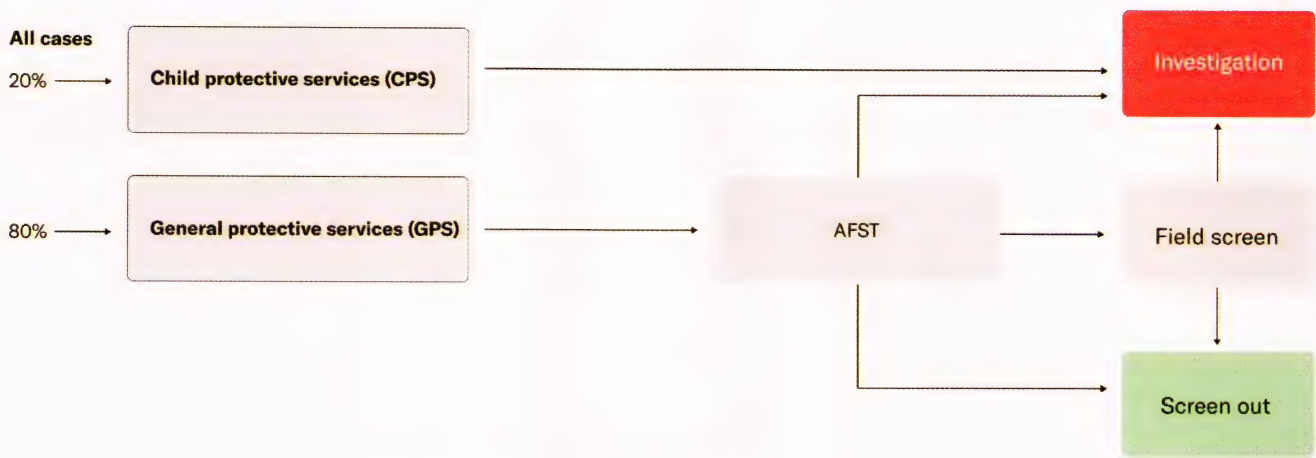


Figure 1. The screening process in Allegheny County.

represents the likelihood that the County will remove a child from their home within two years of the referral.⁶⁹ Where there is more than one child in a referral household, the AFST calculates risk scores for every child. But, even though the AFST generates estimations at the individual child level, call screeners see only one output: either the maximum numeric score across all children in the household, or a single risk label (e.g., “high risk”) that is determined in part by the maximum score of all children on the referral.⁷⁰ Call screeners are encouraged to consider the AFST’s output as one factor in the decision whether to investigate a maltreatment allegation or close it at intake.

Under Version 2 of the AFST, implemented in November 2018, if the maximum score on a referral fell between eighteen and twenty and any child on the referral was aged sixteen years or younger, a “high-risk protocol” required that the referral be screened in unless a supervisor permits, and explains in writing, the decision to forgo an investigation.⁷¹ A separate “low-risk protocol”—not present in the AFST’s first version—was implemented in November 2018. This protocol initially applied if

the maximum score on a referral was between one and ten and all children associated with the referral were at least twelve years old. Pursuant to this policy, workers were shown only a “low risk” label and were recommended, but not required, to screen out the report.⁷² The County and tool designers adjusted the low-risk protocol in October 2019 (Version 2.1) to apply if the maximum score on a referral was between one and twelve and all children were at least seven years old.⁷³ With both high- and low-risk protocols, call screeners see not a numerical score but a color gradient bar with a label corresponding to the relevant protocol. According to the 2019 *Methodology Report* describing Version 2 of the AFST, 24 percent of referrals triggered the “high-risk” protocol, 4 percent triggered the “low-risk” protocol, and 72 percent fell into neither—that is, screeners saw numeric scores for 72 percent of referrals.

The AFST has so far gone through four updates. Version 1 was used from August 2016 through November 2018; Version 2 was in use from November 2018 to July 2019, at which time the County implemented some data-source changes and made adjustments to the back-end model (Version 2.1);

70 See Marissa Gerchick et al., “The Devil Is in the Details: Interrogating Values Embedded in the Allegheny Family Screening Tool,” *FACCT ’23: Proceedings of the 2023 ACM Conference on Fairness, Accountability, and Transparency* (June 2023), 1292, 1296, <https://dl.acm.org/doi/10.1145/3593013.3594081>.

71 Vaithianathan et al., *Allegheny Family Screening Tool: Methodology, Version 2*, 6 tbl. 1.

72 Note that the expansion of the low-risk protocol by lowering the age requirement here has not previously been publicly reported. We learned of it through a policy memorandum produced to us under our data-sharing agreement. See Allegheny County DHS, *History of Policy Changes, Technical Implementations, and System Shocks: Key Events with Data/Analytics Implications-before and throughout AFST Implementation*.

73 See Katherine Rittenhouse, Emily Putnam-Hornstein, and Rhema Vaithianathan, *Algorithms, Humans, and Racial Disparities in Child Protective Services: Evidence from the Allegheny Family Screening Tool* (2022), 7n18, available at https://krittenh.github.io/katherine-rittenhouse.com/Rittenhouse_Algorithms.pdf.

in April 2022, a fourth version was implemented after adjustments were made to the back-end model and a new data infrastructure was created. In June 2021, Allegheny County provided the ACLU and the Human Rights Data Analysis Group (HRDAG) with the training materials used by call screening workers,

along with copies of the current code, training data, three months of data from the use of the tool in the spring of 2021, regular tool-performance quality-assurance reports, and feedback submitted by workers on specific AFST scores.

2. THE IMPOSSIBILITY OF MEASURING THE AFST'S "ACCURACY"

A. A MIS-MEASURE OF RISK

In the child welfare context of the family regulation system, "risk" has a specific reference point: namely, the risk that a parent or caregiver ostensibly poses to a child. The AFST does not record this measure of risk directly, nor could it. Instead, the AFST's outputs reflect the estimated probability that County agents will remove a child from their home—that is, the risk to child and family of state intervention and disruption.⁷⁴ While the AFST training materials we reviewed took care to note that the tool only predicts likelihood of future placement, rather than likelihood of future maltreatment,⁷⁵ this nuance seems to have been lost to some audiences. For example, a 2018 feature article in the *New York Times* about the AFST was titled "Can an Algorithm Tell When Kids Are in Danger?," even though the algorithm does not predict future abuse or neglect. Further, the article erroneously described a referral with an AFST score of nineteen as a score "in the top 5 percent risk for future abuse and neglect."⁷⁶ What an AFST score of nineteen means, in fact, is that the estimated probability that the family will experience a separation within two

years falls in the top 10 percent of probabilities in the data used to develop the model, which was based on referrals the agency received between 2010 and 2014.

The AFST's creators acknowledge that "there are valid concerns that the AFST model, and other models trained to predict system outcomes like out-of-home placement, may be predicting the *risk of institutionalized or system response rather than the true underlying risk of adverse events*."⁷⁷ As even the county explains, "a challenge [of predictive modeling] is to identify outcomes to predict that are truly independent of the system and not too rare to be predicted." With the AFST, the county views removal to be sufficiently independent from the system "[b]ecause placements are determined by a judge, and all parties (parents, children and County) are represented by attorneys, [making] a placement outcome reasonably independent of the County child welfare system."⁷⁸ But since the county can only lawfully place a child into the foster system after a court has become involved, the court is *part* of the "institutionalized or system response," not detached from it.⁷⁹ Researchers who observed and in-

74 Similarly, in the context of risk-assessment tools used in the criminal legal system, the use of the number or type of prior arrests as a proxy for whether a person will reoffend more accurately describes whom police think of as an offender. See, for instance, Julia Angwin et al., "Machine Bias," *ProPublica*, May 23, 2016, <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>; Julia Dressel and Hany Farid, "The Accuracy, Fairness, and Limits of Predicting Recidivism," *Science* 4 (2018): 1, <https://www.science.org/doi/10.1126/sciadv.aao50>. For a general overview of the stakes at play in this kind of label selection, see Sendhil Mullainathan and Ziad Obermeyer, "On the Inequity of Predicting A While Hoping for B," *American Economic Association Papers and Proceedings* 111 (2021): 37.

75 See Allegheny County DHS, *Using Predictive Modeling to Improve Outcomes for Children in Allegheny County: Training for Child Welfare Professionals* (2016), 17. See also Allegheny County DHS, *AFST Referral Screening Trend Updates* (February 2, 2021), 5.

76 Dan Hurley, Can an Algorithm Tell when Kids Are in Danger?, *New York Times*, January 2, 2018, <https://www.nytimes.com/2018/01/02/magazine/can-an-algorithm-tell-when-kids-are-in-danger.html>.

interviewed call screeners using the AFST found that even screeners and their supervisors disagreed with the use of child removal as a proxy for child abuse or neglect. Based on their experiences, “children were often placed in foster care without any concerns of child abuse or neglect.”⁸⁰ Another caseworker suggested that a child might never enter the foster system even where legitimate concerns of child maltreatment do exist, indicating that, at least in some caseworkers’ view, removal may be both an over- and under-inclusive correlate to abuse or neglect.

The AFST developers also sought to confirm that the high-risk scores were correlated with child maltreatment by comparing (anonymized) hospital records of children who would have been assigned the highest and lowest AFST scores had the tool been in use for screened-in reports from 2010 to 2016. The developers looked specifically for any correlation between the risk score an individual child would have received, even where multiple children were in the home, and three categories of injuries that the hospital coded for—any-cause injury, suicide and self-inflicted injuries, and abusive injury. They found that children who would have received a score of twenty had a hospital visit subsequent to the referral for any-cause injuries at a rate of 14.5 per 100, while those within the one-to-ten range had such visits at a rate of 4.9 per 100. Based on their findings, the authors concluded that “the Allegheny model, trained to predict foster care placement, was sensitive to medical encounters for injuries.”⁸¹

While it may be true that the AFST is sensitive to medical encounters for injuries, there is a mismatch between “the Allegheny model” as analyzed here and the AFST as actually deployed during

this time period. In this analysis of correlations with medical encounters, the tool’s developers examine individual risk scores and medical encounters, both at the child level. But the AFST does not present individual children’s risk scores to call screeners making screening decisions; rather, it presents a single score or label for all children on a referral based on the maximum score on that referral. While this distinction may seem insignificant at first glance, in another recent analysis, we found that this aggregation process shifts scores upward for everyone, and especially for Black families.⁸² In data from 2010-2014, roughly the same percentage (about 5 percent) of Black individuals and non-Black individuals receive a score of twenty when considering individual scores, as the medical encounter study did. But if we instead treat each person’s risk score as the maximum score of the referral they are on—as the AFST does in practice—roughly 5 percent of non-Black children receive a score of twenty, compared to 15 percent of Black children. But if we instead treat each person’s risk score as the maximum score of the referral they are on—as the AFST does in practice—roughly 5 percent of non-Black children receive a score of twenty, compared to 15 percent of Black children—suggesting the mismatch between the medical encounters study’s

ly and placed in the foster system after only after two judicial determinations are made. First, a court must find that the child meets the statutory definition of a “dependent.” (See 42 Pa. Cons. Stat. § 6302.) A child may be found dependent if the court finds by clear and convincing evidence that neglect, abuse, or certain status offenses (such as truancy) have been committed. (See Allegheny County DHS, “Frequently Asked Questions.”) Second, the court must find that continuing to reside in the home is contrary to the child’s welfare and that the child welfare agency made “reasonable efforts” to prevent or eliminate the need for removal, unless emergency circumstances excused the requirement to undertake such efforts. (See 42 Pa. Cons. Stat. § 6351(b)). Removal at this time is not permanent, and a family may be reunified once the court is satisfied that any safety concerns have been addressed.

80 Hao-Fei Cheng et al., “How Child Welfare Workers Reduce Racial Disparities in Algorithmic Decisions,” *Proceedings of the 2022 CHI Conference on Human Factors in Computing Systems* (2022): 13, <https://dl.acm.org/doi/10.1145/3491102.3501831>.

81 Rhema Vaithianathan et al., “Hospital Injury Encounters of Children Identified by a Predictive Risk Model for Screening Child Maltreatment Referrals Evidence From the Allegheny Family Screening Tool,” *JAMA Pediatrics* 174 (August 2020).

82 See Gerchick et al., *The Devil is in the Details: Interrogating Values Embedded in the Allegheny Family Screening Tool*, FAcCT ’23: Proceedings of the 2023 ACM Conference on Fairness, Accountability, and Transparency 1295-97 (June 2023), <https://dl.acm.org/doi/10.1145/3593013.3594081>.

77 Vaithianathan et al., *Allegheny Family Screening Tool: Methodology, Version 2*, 7 (emphasis added).

78 Allegheny County Department of Human Services, “Frequently Asked Questions” (updated April 2019), 6, https://www.alleghenycountyanalytics.us/wp-content/uploads/2019/05/FAQs-from-16-ACDHS-26-PredictiveRisk_Package_050119_FI-NAL-8.pdf.

79 In Pennsylvania, a child may be removed from their fami-

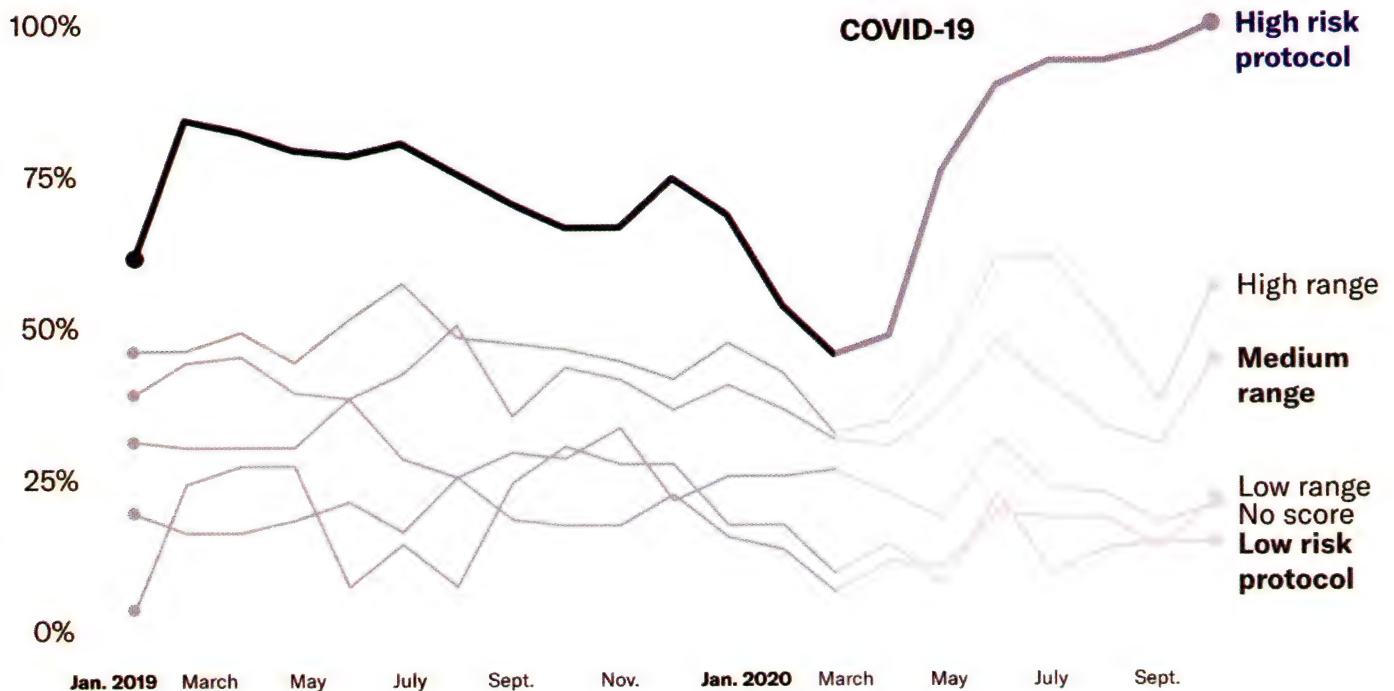


Figure 2. AFST “risk” categories vs. percentage of screened-in referrals from 2010–2014 where a removal occurred within two years. Note that the AFST was not in use during the time period from which this data is drawn. The “risk” categories depict the AFST scores such referrals would have received if the tool had been in use during that time.

83 Rhema Vaithianathan et al., Hospital Injury Encounters of Children Identified by a Predictive Risk Model for Screening Child Maltreatment Referrals Evidence From the Allegheny Family Screening Tool, *JAMA Pediatrics* 174 (August 2020), <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2769075>.

reliance on individual risk scores and the deployment of the AFST should be a consideration for interpreting the study’s results and their implications for assessing the AFST’s “accuracy.” This mismatch is especially significant in light of the additional finding in the medical encounters study that their results “showed a mixed picture with respect to the sensitivity of the risk score to different racial subpopulations.”⁸³

B. A MISREPRESENTATION OF RISK

Although the AFST’s written materials do not claim that its scores represent absolute risk of removal, the shorthand reference to “risk” and the way in which scores are presented to call screeners likely over-emphasize the scores’ significance. “Relative removal risk” would be a more precise and helpful label than “risk score” when describing the AFST’s outputs.

An AFST score does not reflect the absolute risk that a child identified in a referral will be removed. Instead, it reflects how the estimated probability of removal for that particular child compares to the probabilities reflected in the data used to develop the model. Put differently, an AFST score of twenty (the highest possible) means that the estimated probability of removal for the child falls within the range of the top 5 percent of probabilities found in the data used to develop the model.

Whereas it might be most intuitive to interpret the highest possible AFST score as representing a high *absolute* probability of child removal, other analyses have highlighted that individuals who receive the highest possible risk score experience removal less than 50 percent of the time.⁸⁴ This is consistent with our observation based on an analysis of data used in the model-development process, and, in particular, screened-in referrals from 2010–2014 for which information about removal within two years was available. As highlighted in figure 2, for referrals that would have been classified with an AFST score of twenty in that time period, 47 percent of such referrals resulted in a removal within two years. This is to say that even the referrals that the AFST identifies as posing the “highest risk” of removal are estimated to be more likely not to involve a child removal at all. Applying the assumption that appears to underly the AFST—namely, that

child removal is a useful proxy for which cases involve a serious risk of neglect or abuse—it would seem the AFST flags as “high risk” cases that are estimated as quite *unlikely* to involve these concerns.

The decision to translate the AFST’s outputs as numeric scores on a ventile scale potentially occludes the reality that the estimated probabilities in the data used to develop the model are not regularly distributed. In other words, the one-to-twenty scale might obscure the fact that “risk,” by the AFST’s own definition, is concentrated among the highest-value numeric scores. There appears to be a steep drop-off in the estimated probabilities that the highest-tier range of AFST scores represent. As figure 2 demonstrates, there is, in fact, a greater gulf between the estimated probabilities that underlie AFST scores of twenty and nineteen, respectively, than exists between AFST scores of fifteen and one. This might differ starkly from the intuitive interpretation of a one-versus a fifteen-point difference in estimated “risk.” Further exaggerating the degree of risk is the AFST deployment policy of showing only the highest risk score (or a label based partly on that score) where more than one child lives in the household.⁸⁵

These defining features of the AFST risk score are further confused by the way AFST scores are shown to call screeners. As various accounts have described, the AFST score is relayed using a color gradient “from green down at the bottom ... through yellow shades to a vibrant red at the top.”⁸⁶ This traffic signal color-coding and the evenly spaced color gradient is misleading. These design features suggest that the AFST score conveys the absolute risk that a referral will end in removal and that the difference in the estimated risk of removal from one number to the

next is the same, as reflected in the “intuitive risk” gradient in figure 2 below. However, the actual risk of removal and degree of increase in risk from one ventile to the next is radically different—and lesser—as depicted in figure 2’s “actual risk” gradient.

As figure 2 demonstrates, there is, in fact, a greater gulf between the actual removal rates that underlie AFST scores of twenty and nineteen, respectively, than exists between AFST scores of fifteen and one. This might differ starkly from the intuitive interpretation of a one- versus a fifteen-point difference in estimated “risk.” Further exaggerating the degree of risk is the AFST deployment policy of showing only the highest risk score (or a label based partly on that score) where more than one child lives in the household. The decision, then, to use likelihood of removal by Allegheny County within two years as the proxy for child harm seems to reinforce existing County removal practices rather than to prevent child harm. And as future AFST scores will likely be based on County actions taken in response to past AFST scores (assuming the model is retrained on data generated after the AFST’s deployment), the use of the AFST threatens to create a feedback loop that might exacerbate past disparities in the family regulation system. These design features suggest that the AFST score conveys the absolute risk that a referral will end in removal and that the difference in the estimated risk of removal from one number to the next is the same, as reflected in the “intuitive risk” gradient in figure 2 below. However, the actual removal rate and degree of increase in removals from one ventile to the next is radically different—and lesser—as depicted in figure 2’s “actual risk” gradient.

C. THE NONSCIENCE BEHIND RISK THRESHOLDS

The dividing lines, or thresholds, between low, medium, and high “risk” categories are not identified by scientific or statistical method.⁸⁷ Rather, the scores that bound each risk tier are selected by the tool developer and/or agency personnel. The methodology reports describing the design of the various versions of the AFST do not clearly identify why particular scores—10 or 12, depending on the version of the AFST—were selected as the lowest consistent with designation of a referral as “low-risk.” Nor do the developers describe why a score of 18 was selected to trigger the “high-risk” designation. The County does compare how the AFST risk tiers and distribution of risk scores would compare to examples of rule-based thresholds, but it does not explain how the cutoffs for the AFST tiers were devised.

In contrast, when Oregon developed a predictive tool drawing on the AFST model, they were transparent about how they set the thresholds between the four risk tiers that they created. However, they, too, neglected to explain why this method was selected. In the Oregon model, the developers decided to make each successive risk tier reflect double the risk. (As explained earlier, despite using quintiles, the risk scores do not actually

84 Alexandra Chouldechova et al., *A Case Study of Algorithm-Assisted Decision Making in Child Maltreatment Hotline Screening Decisions*, *Proceedings of the 1st Conference on Fairness, Accountability, and Transparency* (2018): 1, 8, <http://proceedings.mlr.press/v81/chouldechova18a/chouldechova18a.pdf>.

85 Gerchick et al., “The Devil Is in the Details,” 1292, 1296.

86 Eubanks, *Automating Inequality*, 140.

87 Vaithianathan et al., Developing Predictive Models. Cf. Jordan Purdy and Brian Glass, “The Pursuit of Algorithmic Fairness: On ‘Correcting’ Algorithmic Unfairness in a Child Welfare Reunification Success Classifier,” arXiv, October 22, 2020, <https://arxiv.org/pdf/2010.12089.pdf>.

88 Document on file with authors.

89 Vaithianathan et al., Allegheny Family Screening Tool: Methodology, Version 2, 6 tbl. 1.

90 Allegheny County DHS, AFST Referral Screening Trend Updates (July 21, 2020), 4. Document on file with authors.

91 Document on file with authors.

92 Pennsylvania Department of Human Services, Child Protective Services 2022 Annual Report (2023).

reflect a steady 5 percent increase in risk between one ordinal number and the next.) The Oregon developers also decided to include only 8 percent of children in the highest tier, and these parameters dictated where the cutoffs fell between their four tiers. Why these decisions were made is unknown, but ultimately it was a matter of governance and policy, not one of statistical outcomes or likelihood of risk. With the AFST, we know that they chose for their top category to represent 15 percent of children and, because of their aggregation methodology, 25 percent of cases; but, as with Oregon, the reason those percentages were selected is not clearly stated.

Through conversations with the County and documents reviewed by the ACLU and HRDAG, we learned that Allegheny County has made at least four major changes to the thresholds between risk tiers when creating Version 2 of the tool, which launched in December 2018.

First, in January 2019, Allegheny County made changes that were

expected to double the prevalence of “high-risk protocol” labels from about 11.5 percent of referrals to about 22 percent.⁸⁸ Based on the April 2019 methodology report describing Version 2 of the AFST, it seems the prevalence of referrals that trigger the “high-risk” protocol was slightly higher at 24 percent.⁸⁹

Second, in October 2019, Allegheny County expanded the low-risk protocol definition. Whereas a referral previously triggered the “low-risk” protocol if the maximum score fell between one and ten and all children on the referral were twelve years old or older, the County in October 2019 lowered the age cutoff to seven years old and increased the score ceiling to a maximum of twelve. This change significantly increased the prevalence of the low-risk protocol by “siphon[ing] off some referrals that would have been Low-Range or Medium-Range previously,” “from around 4% of GPS referrals to over 20% (as was projected).”⁹⁰

Third, around the start of the COVID-19 pandemic, the screen-in rate went through a noticeable dip. The dip was most pronounced for the high-risk protocol tier, starting around 66 percent in November 2019 and reaching its lowest point of 45 percent in March 2020 before rebounding to screen-in rates exceeding 90 percent. In discussions with Allegheny County about this trend, we learned that the County had been monitoring this fall and was “not comfortable” with the “slippage in concurrence with the tool.” While there was no written policy change, the County made its preferences clear to frontline staff through discussions, a method that appears to have worked. Referrals did not begin to dip until February 2020, a trend which lasted through July 2020.⁹¹ According to an internal memo on the impact of COVID-19, the demographics

of families being referred did not change (though we note that the memo does not indicate whether other formally documented or orally conveyed changes were made to screening protocols that contributed to this result).⁹² This meant that they were required to make a report if they had “reasonable cause” to suspect child abuse, and some worried that the closure of schools meant that public eyes on children would lead to increased child injuries at home. However, this does not appear to have been the case, with the state Bureau of Child and Family Services explaining the increase in reports alleging abuse in 2021–2022 as “anticipated” because the agency had “been observing these increases following the significant decrease in the total suspected reports attributed to the COVID-19 pandemic.” Notably, the “totals still remain[ed] lower than in the year prior to the pandemic” and percentage of substantiated reports of child maltreatment moved from 14.3 percent in 2021 to 12.8 percent in 2022.⁹³

The County’s internal materials note that the next model reevaluation might “explore adjusting the tool’s structure or the definitions of any of the protocols to try to: (1) [e]mphasize or deemphasize any ‘types’ of referrals[,] (2) [a]ccount for child ages differently[, or] (3) [a]tttempt to influence racial disparities.”⁹⁴ These policy changes may have had a significant impact on screening rates in Allegheny County, but none of them involved the input of impacted community members or were even publicly explained. Allegheny County may be one of the most transparent jurisdictions when it comes to sharing information about its predictive analytics tool, but even it falls short of full, meaningful transparency.

Risk of removal: ■ “intuitive” risk ● actual risk

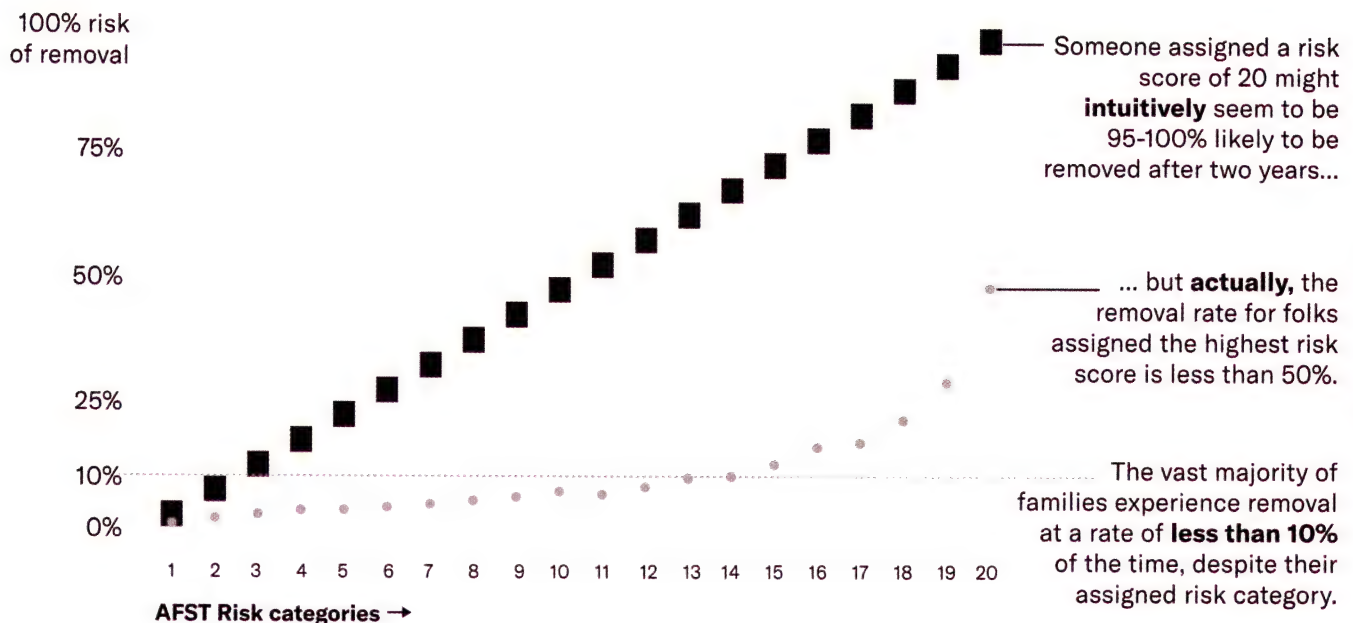


Figure 3. Screen-in rates by GPS AFST Category, over time.

D. THE POLITICAL CONSTRUCTION OF ADMINISTRATIVE DATA

This approach ignores the policy-driven limits of government agencies' administrative data. Much has been researched and written about how the use of criminal legal records that reflect racially discriminatory policing practices can embed underlying systemic or structural biases in the predictive tool.⁹⁵ In the context of the AFST, we have previously written about how the tool's inclusion of juvenile probation system involvement and eligibility for certain public benefits as risk factors can raise the risk scores of households that include someone who is Black or has a history of seeking publicly funded behavioral healthcare services.⁹⁶

In addition to importing the data that result from discriminatory policies and practices, using administrative data to build predictive risk assessment tools either ignores how government databases fail to reflect entire populations—

93 Pennsylvania Department of Human Services, Child Protective Services 2022 Annual Report (2023), 42, 6, available at https://www.dhs.pa.gov/docs/OCYF/Documents/2022-PA-CHILD-PROTECTIVE-SERVICES-REPORT_8-10-2023_FINAL.pdf. This conclusion is consistent with analyses of child welfare reporting and investigation outcomes elsewhere as well. See, for instance, Anna Arons, "An Unintended Abolition: Family Regulation during the COVID-19 Crisis," Columbia Journal of Race and Law 12 (2022): 1; "Emergency Department Child Abuse Evaluations during COVID-19: A Multicenter Study," Pediatrics 150 (July 2022): 18-29; Robert Sege and Allison Stephens, "Child Physical Abuse Did Not Increase during the Pandemic," JAMA Pediatrics 176 (December 2021): 338-40; Sunitha Kaiser, et al., "Emergency Visits and Hospitalizations for Child Abuse during the COVID-19 Pandemic," Pediatrics 147 (2021): 4ff; Shanta Trivedi, "Why the Drop in Child Welfare Reports Might Be a Good Sign," Slate, May 14, 2020, <https://slate.com/news-and-politics/2020/05/coronavirus-child-welfare-reports.html>.

94 Allegheny County DHS, AFST Referral Screening Trend Updates (April 13, 2021), 3. Document on file with authors.

95 See, for instance, Laurel Eckhouse et al., "Layers of Bias: A Unified Approach for Understanding Problems with Risk Assessment," Criminal Justice and Behavior 46, no. 2 (2018); Rashida Richardson, Jason M. Schultz, and Kate Crawford, "Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice," New York University Law Review 94 (2019): 15; Sandra G. Mayson, "Bias In, Bias Out," Yale Law Journal 128 (2019): 2218.

96 Gerchick et al., "Devil Is in the Details," 1292, 1299-1301.

97 Gerchick et al., "Devil Is in the Details," 1292, 1298-1299.

98 Sankaran, Church, and Mitchell, "Cure Worse Than the Disease?," 1161, 1186.

99 Goldhaber-Fiebert and Prince, Impact Evaluation, 26.

100 "Further action" was defined as "when a referral accepts for service or connects to either an open case or connects to a closed case and is re-opened for service." Goldhaber-Fiebert and Prince, Impact Evaluation, 11.

101 Goldhaber-Fiebert and Prince, Impact Evaluation, 19-21.

for example, those who only access privately funded behavioral health services—or assumes that those excluded from the databases are unlikely to pose the risk being predicted. With the AFST, recall that the most common reasons for removal in Pennsylvania in 2020–2021 were (1) caregiver substance abuse, (2) neglect, (3) caretaker's inability to cope, (4) inadequate housing, and (5) child's behavioral problems. Individuals and families who can afford or otherwise have access to private health insurance, private substance abuse treatment programs, private behavioral or mental healthcare, and housing can address virtually every one of these adversities without information about them being recorded in government databases. Thus, the universe of risk factors that exists for these families will never be reflected in the administrative data used to build the AFST and other such tools.⁹⁷

The limited worldview reflected in the administrative records used to build predictive models comes not just from the fact that they pertain to a subset of the population, but also from the limited set of data points contained within those records. In a family regulation system where laws, policies, and practices are built around a

paradigm of parental fault, child welfare records reflect myriad data points about the parent but not other factors that contribute to, or perhaps even directly cause, the alleged child maltreatment. For instance, some scholars have noted that even though states receiving federal Title IV-E funding must make reasonable efforts to preserve and reunify families, the federal government's collection of "circumstances of removal data fail to capture any information concerning the agency's efforts to prevent removal, despite the fact that such efforts are clearly observable."⁹⁸

Similarly, though state and local child welfare agencies could track whether the services and programs that families are required to use and complete (and which particular providers) are associated with successful family reunification/preservation and which ones correlate with removals, this is not typically done. Such tracking could provide a deeper understanding of what features of the family regulation system are doing more harm (i.e., correlating with removal and not reunification) than good and could help identify interventions that are not addressing family needs. As one Allegheny County caseworker commented, "Risk of removal in two years is inherently going to be increased by our [CYF] involvement, because we're the only ones that can remove the children." Yet the administrative records used to build the AFST lack data points from which tool developers could identify types or aspects of CYF involvement that are more closely correlated with removal in two years.

E. THE CASE FOR MEASURING IMPACT OVER "ACCURACY"

Assessment of the AFST's performance in terms of "accuracy" is misleading partly because this suggests the tool has the ability to

foresee maltreatment across the entire population of the County when, as the foregoing discussion demonstrates, such a prediction task is not impossible. First, the AFST was designed to predict relative risk of removal, a proxy that even some of those using the tool believe to be a poor approximation of actual child maltreatment. Second, it was built with information about only a subset of the population—not because that subset was identified as a representative cross section of the County, but simply by administrative fiat. This group by definition includes the people about whom government agencies possess the most information, because those people use or are eligible for public benefits and social or health services, or because they are disproportionately targeted for surveillance and investigation. Yet the methodology reports and impact assessments for the AFST do not sufficiently address how the limits of administrative data might skew the quality of its predictions.

Instead, the 2019 County-commissioned impact evaluation examined data from the AFST deployed from 2016–2018 (Version 1) to see how use of the tool impacted "accuracy, workload, disparity and consistency outcomes for children involved in GPS referrals."⁹⁹ To assess accuracy of screened-in reports, evaluators determined the percentage that resulted in agency involvement past the initial investigation stage or a re-referral to the agency within two months of the first report.¹⁰⁰ For screened-out referrals, the evaluators looked at the percentage that had no re-referral calls within two months.¹⁰¹ However, CYF caseworkers, agency leadership, and tool designers have separately stated that referral is a weak indicator of maltreatment. As an empirical matter, the County declines to investigate roughly 50 percent of all referrals simply be-

cause they do not meet threshold criteria for investigation. But perhaps most revealing is that Version 1 of the AFST (2016–2018) generated two risk scores, one based on the likelihood of child removal within two years and the other on the likelihood of a re-referral to protective services, but the County and tool developers dropped the re-referral risk proxy from subsequent versions. Why? Among other things, re-referral “was not as strongly linked to the primary outcome of concern, serious abuse and neglect.”¹⁰²

If the measure of re-referral is ultimately unhelpful, an alternate measure of the AFST’s utility, particularly given the risk of harm from contact with the family regulation system, is the tool’s impact on screen-in rates: the percentage of screened-in referrals that, upon investigation, were accepted for service, connected to another open case, or connected to a closed case that was then reopened.¹⁰³

Even if we set aside the fundamental flaw of calculating accuracy by looking at re-referral rates, the AFST’s impact, as assessed in the County-commissioned 2019 evaluation, amounted to only “moderate improvements in accuracy of screen-ins with small decreases in the accuracy in screen-outs, a halt in the downward trend in pre-implementation screen-ins for investigation, no large or consistent differences across race/ethnic or age-specific subgroups in these outcomes, and no large or substantial differences in consistency

across call screeners.”¹⁰⁴ Additionally, the “moderate improvements” in screen-in accuracy “attenuated somewhat over time.”¹⁰⁵ In other words, on balance, the AFST had mixed results, with one exception: it clearly stopped the decrease in screen-in rates that had been occurring until the AFST was implemented. Interestingly, emerging studies of the impact of criminal legal risk assessment tools used by judges to help decide whether to release an accused individual pretrial, and tools used to inform sentencing decisions, indicate that the tools may have effects (including asymmetric effects) on judicial decision-making and individual outcomes in the short term, but that such impacts may attenuate over time.¹⁰⁶

Given the impossibility of determining whether the AFST generated accurate risk scores or resulted in accurate screening decisions by call screeners, the tool designers came up with an imperfect model for doing so. But the inability to evaluate the tool’s accuracy in terms of real-world impact, does not mean we should ignore the fact that this alternate calculation is, at best, of questionable reliability and, at worst, irrelevant. The decision to assess the AFST’s utility using a misleading and speculative metric (accuracy) is particularly confusing when its impact can be measured in real-world, quantifiable ways—namely, impact on screen-in rates and racial disparities in screen-in rates.

102 The full explanation provided in a “Frequently Asked Questions” section of the AFST methodology report states: “The re-referral model (which predicted whether a child would be a re-referred within two years) was not as strongly linked to the primary outcome of concern, serious abuse and neglect. Additionally, initial incoming referral rates also represent the most racially disproportionate step of the referral pathway, and so a model predicting future referrals figures to overrepresent black children relative to white. Finally, the nature and characteristics of calls with higher scores using the re-referral model were resonating less strongly with screening staff as cases appropriate for investigation.” Allegheny County Department of Human Services, “Frequently Asked Questions,” 18.

103 “Further action” was defined as “when a referral accepts for service or connects to either an open case or connects to a closed case and is re-opened for service.” Goldhaber-Fiebert and Prince, *Impact Evaluation*, 11.

104 Goldhaber-Fiebert and Prince, *Impact Evaluation*, 27.

105 Goldhaber-Fiebert and Prince, *Impact Evaluation*, 25.

106 See, for instance, Megan Stevenson, “Assessing Risk Assessment in Action,” *Minnesota Law Review* 103 (2017): 303; Dasha Pruss, “Ghosting the Machine: Judicial Resistance to a Recidivism Risk Assessment Instrument,” *arXiv*, June 11, 2023, <https://arxiv.org/abs/2306.06573>.

107 Allegheny County DHS, DHS

3. MEASURABLE IMPACTS OF THE AFST ON FAMILIES

response to the Associated Press article “An Algorithm That Screens for Child Neglect Raises Concerns” (May 9, 2022), available at <https://www.allegHENYcounty.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=6442477902>.

¹⁰⁸Allegheny County Department of Human Services, AFST Referral Screening Trend Updates (June 21, 2021), 11.

¹⁰⁹Allegheny County Analytics, “Opened Cases: Children with Child Welfare Cases,” Racial Disproportionality in Child Welfare: Interactive Dashboard (April 14, 2022), <https://analytics.allegHENYcounty.us/2022/04/14/racial-disproportionality-in-allegHENY-county-child-welfare-interactive-dashboard/>.

Because measures of the AFST’s “accuracy” obscure what the tool actually predicts or how the risk factors it weighs are skewed to the disadvantage of families and parents, we assess its utility in terms of the actual, tangible impact on families that it scored, specifically screen-in rates and racial disparities, using an equity framework.

A. SCREEN-IN RATES IN ALLEGHENY COUNTY DID NOT DECREASE WITH THE AFST

Based on the data reviewed by the ACLU and HRDAG, screen-in rates in Allegheny County do not appear to have dropped after introduction of the AFST in 2016. The screen-in rate is defined as the number of referrals that are screened in for investigation in a given period divided by the total number of General Protective Service referrals the County received during that time. (Call screeners have discretion to screen in or screen out GPS referrals, which are reports claiming neglect, but state law requires them to screen in CPS referrals, which are ones that involve allegations of abuse.) As the screening stage is the step in the investigative process the AFST most directly influences, the screen-in rate is also something the County can influence through the tool’s scoring methodology and accompanying policies.

In response to Associated Press reporting about the AFST’s impact, the County stated that its overall screen-in rate of approximately 50 percent, which includes both CPS and GPS referrals, is “in-line with similar statistics among other counties or states.”¹⁰⁷ This comparison is of limited value since it does not address the possibility that *all* comparable jurisdictions could be screening in more referrals than

needed. While the County says that they are unaware of any empirical evidence that these screen-in rates are too high, we do know that not all families screened in by the County move on to the next stage of having a case formally opened by the child welfare agency (otherwise known as being “accepted for services”). That is, upon closer investigation—which can entail interviewing the child or children implicated in the report, parents, neighbors, relatives, or teachers, among others—County workers have concluded that no maltreatment has occurred and the family is not in need of any services. Since the AFST sits at the front door of the protective service system, it could be used as a tool for reducing the number of families who are screened in in the first instance, to shield families from unwarranted state scrutiny through an investigation.

In addition, for the period from February 2019 through June 2021, almost half of all referrals were either within the “high-risk” protocol (22 percent of all referrals) or the high-score tier of fifteen to twenty (25 percent). By contrast, only 21 percent of referrals were within either the low-score tier of one to nine (12 percent) or the “low-risk” protocol (9 percent). Across all tiers, the vast majority of referrals did not lead to those families being “accepted for services,”¹⁰⁸ an outcome that means the investigation resulted in an opened child welfare case and was accompanied by increased monitoring of the family by a caseworker.¹⁰⁹ This relatively low case opening rate suggests that many more families are being investigated than “necessary,” even by Allegheny County’s own terms.

February 1, 2019 – June 21, 2021							
Family Screening Score	AFST Score	Count of people	Count of people screened in	Percent of people screened in	Count of people investigated	Count of people accepted for service	Percent of people accepted for service
High-risk protocol		5,853	2,545	77%	2,414	691	29%
High scores	20	83	19	39%	19	2	11%
High scores	19	50	12	39%	11	3	27%
High scores	18	54	13	28%	13	7	54%
High scores	17	2,327	988	53%	914	292	32%
High scores	16	2,162	1,034	55%	970	300	31%
High scores	15	2,034	908	50%	856	247	29%
Med scores	14	1,906	722	41%	690	168	24%
Med scores	13	1,749	611	37%	5	164	28%
Med scores	12	1,068	418	41%	402	101	25%
Med scores	11	874	306	38%	299	83	28%
Med scores	10	715	214	32%	207	44	21%
Low scores	9	675	190	29%	181	41	23%
Low scores	8	598	170	29%	166	38	23%
Low scores	7	611	176	29%	165	37	22%
Low scores	6	521	128	25%	123	19	15%
Low scores	5	368	78	21%	77	15	19%
Low scores	4	285	65	24%	64	14	22%
Low scores	3	155	38	25%	36	7	19%
Low scores	2	52	13	25%	13	3	23%
Low scores	1	7	1	14%	1	0	0%
Low-risk protocol		2,386	387	17%	359	61	17%
No score		2,6	408	16%	392	83	21%
Total		27,119	9,444		8,957	2,420	

February 1, 2019 – June 21, 2021			
	Percentage in each category	Percentage screened in	Percentage accepted for service once investigated
High-risk protocol	22%	77%	29%
High scores	25%	52%	31%
Medium scores	23%	39%	26%
Low scores	12%	27%	21%
Low-risk protocol	9%	17%	17%

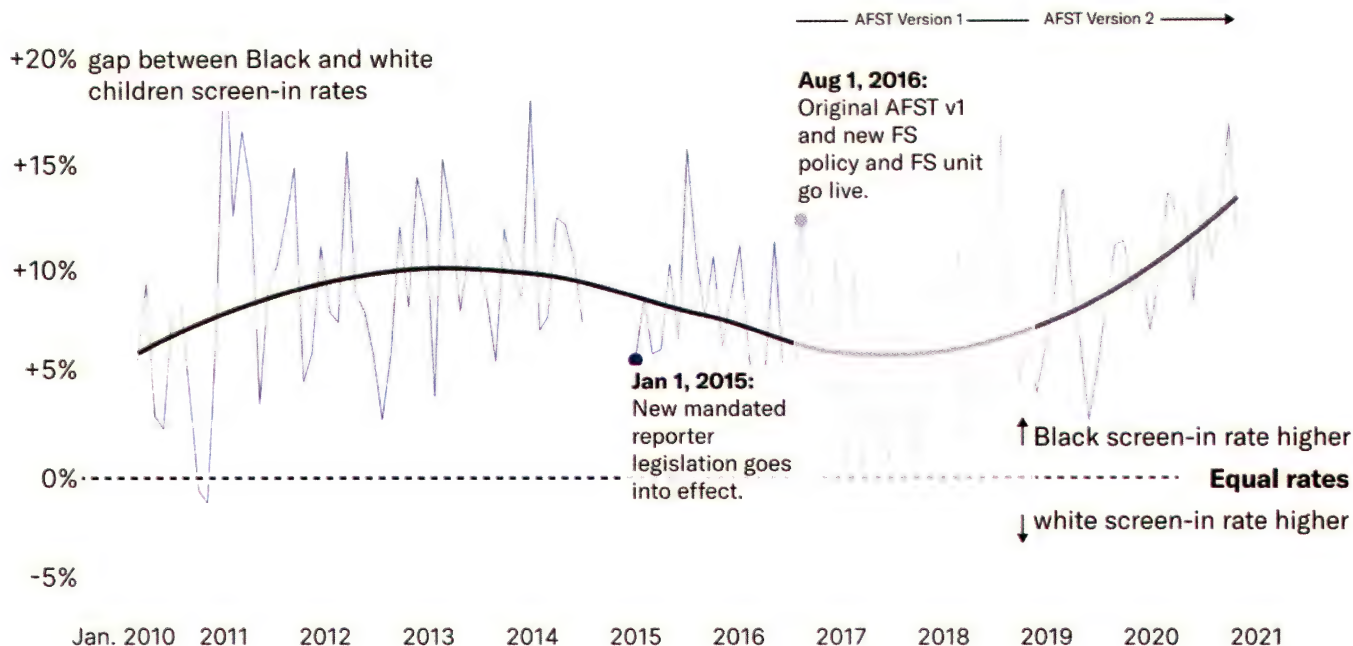


Figure 4. A comparison of the number of Black and white children separated from their families as of January 1 of each year.¹¹²

¹¹⁰But see Rittenhouse, Putnam-Hornstein, and Vaithianathan, *Algorithms, Humans, and Racial Disparities*.

¹¹¹The total population of individuals under the age of nineteen in 2020 was 266,602. Within this population, 47,363 were non-Hispanic Black or African American and 179,972 were non-Hispanic white. Annie E. Casey Foundation, Kids Count Data Center, available at <https://datacenter.aecf.org/data/tables/9383-population--children-birth-to-age-19-by-race-and-ethnicity-and-by-gender#detailed/5/5380/false/574,1729,37/3008,3655,6789,2318,4929,6790,2322,2321/18506>.

B. RACIAL DISPARITIES IN SCREEN-IN RATES DID NOT DECREASE WITH THE AFST

Racial disparities and disproportionality at the screening phase of Allegheny County's child welfare system have the potential to reverberate through subsequent decision points and outcomes. Given the AFST's role in screening decisions, it has the potential to reduce these differentials at the front end of the system even if the tool was not adopted to decrease disparities. Based on our analysis, racial disparities in screen-in rates have not decreased since launch of the AFST in 2016, notwithstanding the County's claims to the contrary.¹¹⁰

Racial disproportionality occurs when the proportion of one racial group in the child welfare population (e.g., children or families at the screen-in stage, accepted for services, placed in foster care, etc.) is either proportionately larger (overrepresented) or smaller (underrepresented) than that racial group's percentage of the general population. Racial disparities ex-

ist where the ratio of one racial or ethnic group at a particular event is not the same as the ratio of another racial or ethnic group who experienced the same event.

As figure 4 illustrates, for at least the past decade, Black children have consistently outnumbered white children in out-of-home placements in Allegheny County and are disproportionately overrepresented. For example, of the 1,463 children in an out-of-home placement on January 1, 2021, 45.2 percent were Black and only 33.9 percent were white. In contrast, in 2020, Black children made up only 17.8 percent of Allegheny County's population of individuals under the age of nineteen, while white children comprised almost 67.5 percent.¹¹¹

Until at least 2022, every two weeks the County held quality-assurance reviews, during which personnel examined racial disparities in screen-in rates. In its 2020–2021 reviews, the County notes the continued disparities in several of its quality-assurance reports. For ex-

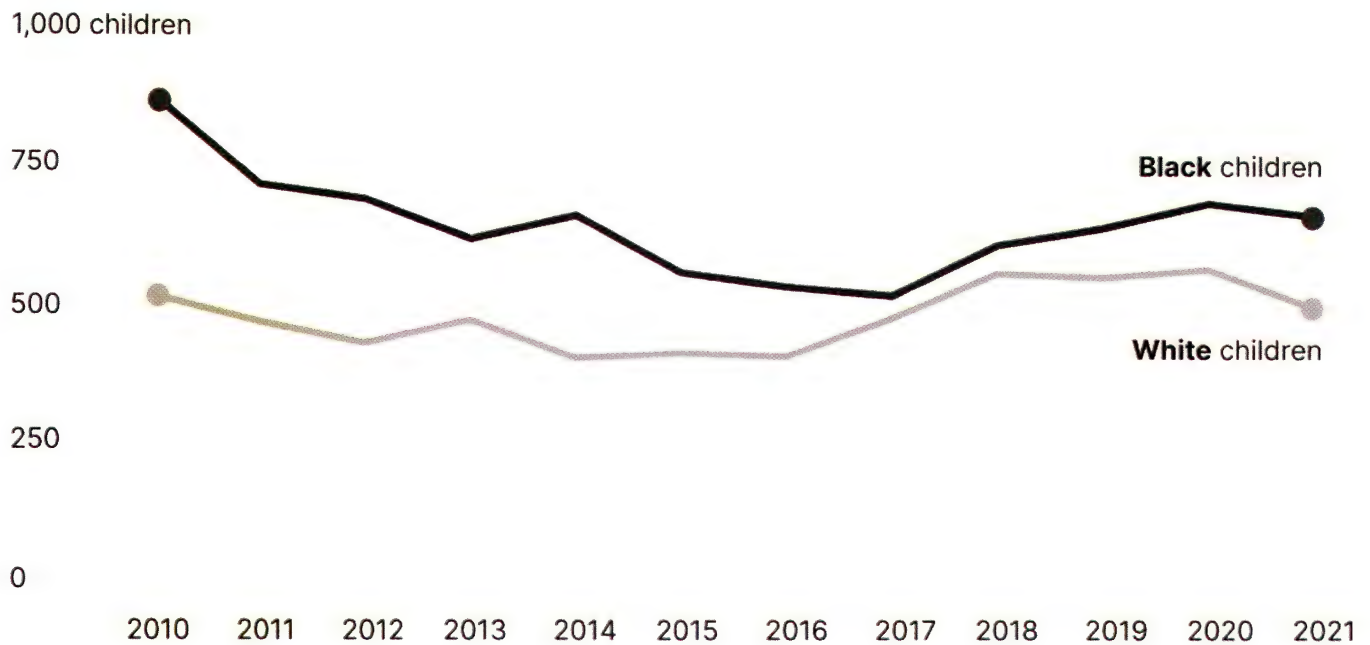


Figure 5. The racial gap in screen-in rates in Allegheny County from 2010 to 2020.

ample, a report from October 2020 noted that “[i]t does appear the gap between black and white screening rates has been expanding gradually since perhaps early 2019,”¹¹² while a report from June 2021 noted that “[t]here continues to be a fairly stable level of disparity in screening rates between families of black children and families of white children, without controlling for AFST score.”¹¹³

Yet in 2022, the County stated that “implementation of the AFST, coupled with associated policies, has reduced racial disparities in screening decisions as well as case openings and removals to foster care.”¹¹⁴ A paper coauthored by the AFST’s creators about the disparities clarifies that the introduction of the AFST did *not* significantly affect disparities in screen-in decisions *except* among referrals within the highest-risk tier of scores.¹¹⁵ For the 2015–2020 referrals, the disparity in average screen-in rates between Black and white families with risk scores of nineteen or twenty was smaller in the roughly four years

after the AFST was implemented as compared to the eighteen months before the AFST was implemented. This reduced disparity stems from a dramatically increased screen-in rate for both Black and white families. In the eighteen months before the AFST was implemented, white families with a risk score of nineteen or twenty were screened in, on average, 40 to 50 percent of the time, while Black families with the same scores were screened in 50 to 60 percent of the time. In the four years after the AFST’s implementation, Black and white families with scores of nineteen or twenty were screened in at similar rates on average, between 60 and 70 percent of the time.¹¹⁶ Thus, the reduction in the racial disparity in this score range was not because the AFST was scoring proportionally fewer Black families as high-risk and therefore fewer were mandatorily screened in. Rather, the change in disparity was driven by the mandatory screen-in policy’s impact on bringing more white families in for investigation. This detail is

112 Allegheny County DHS, [AFST Referral Screening Trend Updates](#) (October 26, 2020), 8.

113 Allegheny County DHS, [AFST Referral Screening Trend Updates](#) (June 21, 2021), 8.

114 Allegheny County DHS, “DHS Response.”

115 See Rittenhouse, Putnam-Hornstein, and Vaithianathan, [Algorithms, Humans, and Racial Disparities](#).

116 See Rittenhouse, Putnam-Hornstein, and Vaithianathan, [Algorithms, Humans, and Racial Disparities](#), 42 fig. 9.

117In this paper, this meant screening in every “high risk” referral (scores of fifteen to twenty) and screened out every “medium” or “low risk” referral (scores of one to fourteen). Cheng et al., “How Child Welfare Workers Reduce Racial Disparities,” 6-8.

118Cheng et al., “How Child Welfare Workers Reduce Racial Disparities.”

119AUT Enterprises Ltd., Response.

120Rittenhouse, Putnam-Hornstein, and Vaithianathan, Algorithms, Humans, and Racial Disparities, 17.

121Rittenhouse, Putnam-Hornstein, and Vaithianathan, Algorithms, Humans, and Racial Disparities, 13-17.

significant because the racial-disparity critique is not simply about numbers but about what happens when a family is screened in: Black families are being subjected to disruptive and harmful investigations at greater rates than white families. Pulling in more black and white families and then shrinking the differential does nothing to address the harm that is at the heart of the disparity critique.

External research on the AFST and related tools further undercuts the County’s racial-equality narrative about the tool. Researchers from Carnegie Mellon University and other institutions found that if call screeners had followed the AFST’s recommendations for each report between August 2016 and May 2018, the screen-in disparity rate between Black and white children would have been 20 percent.¹¹⁷ However, in actuality, this disparity rate was 9 percent because screening workers did not defer to the AFST’s outputs.¹¹⁸ These findings suggest that human input—the same input the AFST creators discounted as far less reliable “intuitions and anecdotal evidence” in their proposal to build the tool¹¹⁹—has been critical to counteracting the tool’s racially disparate outputs. Rittenhouse et al. do not engage with this finding at all, instead offering the AFST as a case study in how “predictive risk models can serve to reduce disparities.”¹²⁰

The Rittenhouse team also does not address the dramatic increase in average screen-in rates (in some cases upward of 20 percent) for both Black and white families that accompanied the decreased racial disparity in the highest score tier.¹²¹ This omission suggests an incomplete understanding of the concerns driving the racial inequity critique. The harm is not simply the numerical imbalance, (i.e., that Black and white families

are screened-in in unequal ratios) but also the harm of being unnecessarily investigated, subjected to invasive state scrutiny, and having a record about them created in the County’s child welfare database, even if the allegations are deemed unfounded. Increasing the sheer number of Black (and white) families investigated by the state does not eliminate the injustice; it just opens more families to unwarranted dignitary and psychological harms and potential infringement of individual rights.

While the AFST’s creators have touted the tool as a model for reducing disparities and focusing investigative efforts, this study hints at the possibility that, as a matter of the tool’s design, it may do the reverse. ♦

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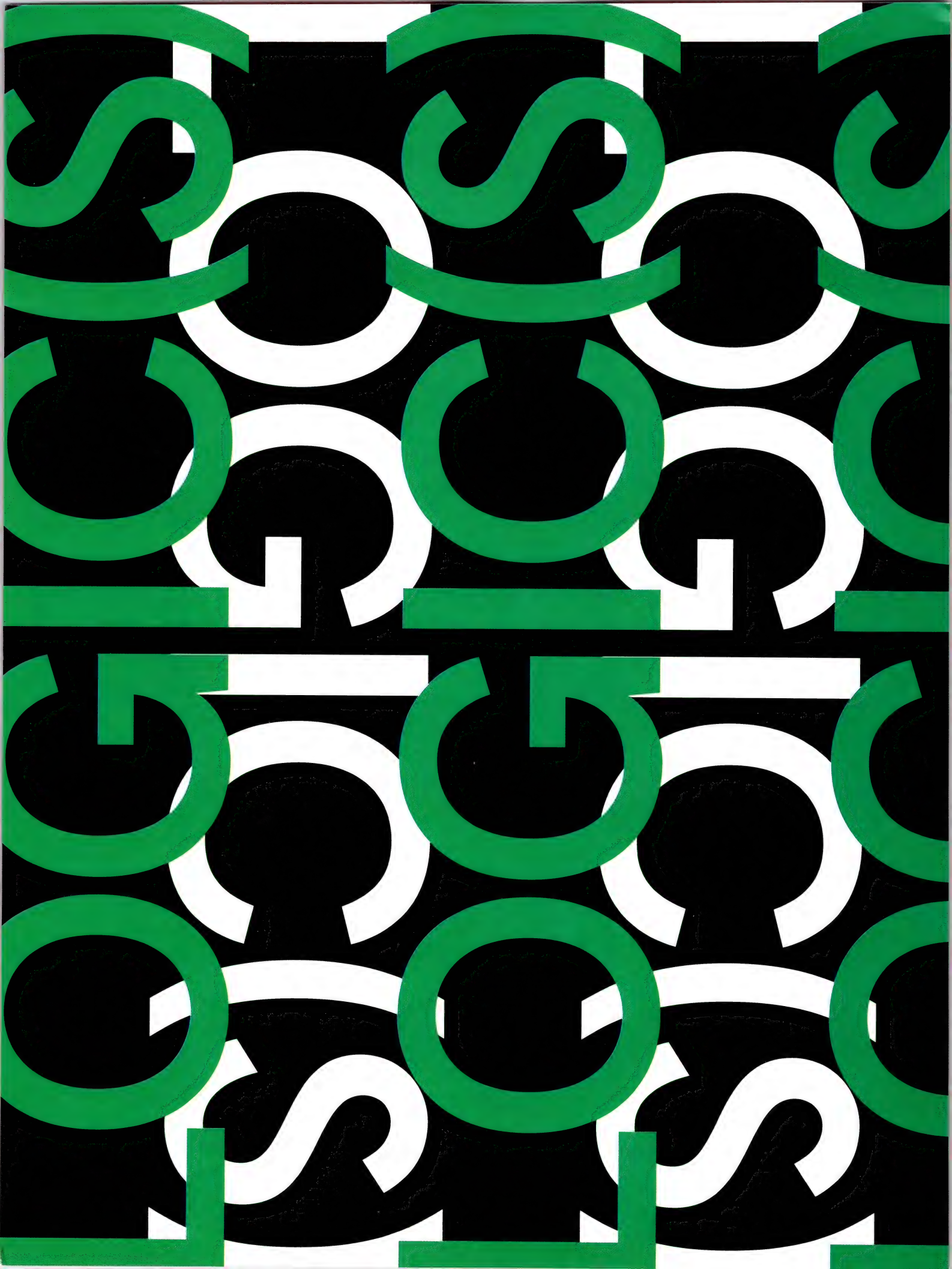
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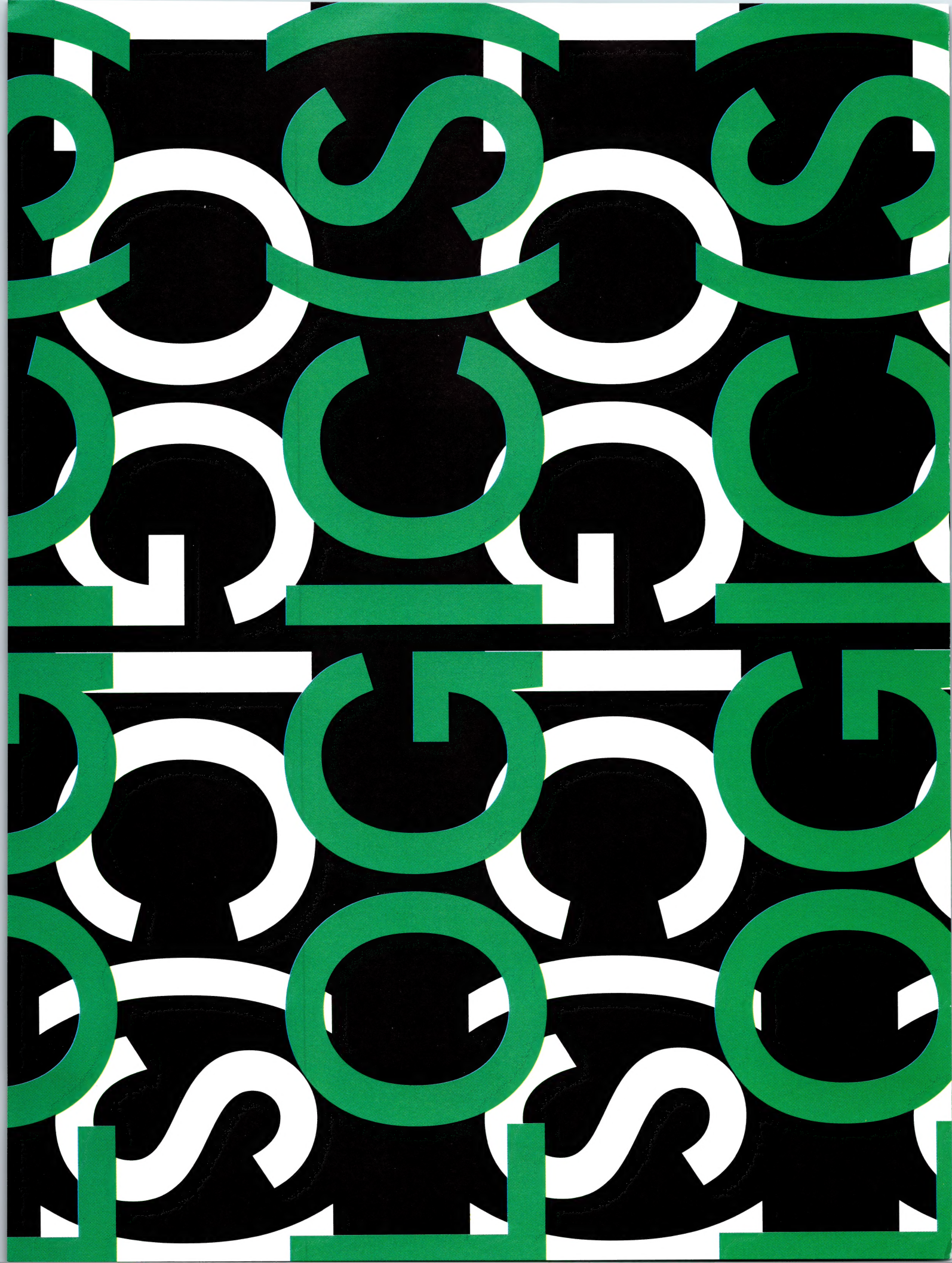
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